

The Gazette of India

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NOTICE

The undermentioned Gazettes of India extraordinary were published upto the 13th May, 1962:—

Issue No.	No. and Date	Issued by	Subject
201	S.O. 1452, dated 11th May, 1962.	Ministry of Law	Declaration that Dr. Radhakrishnan has been duly elected to the Office of the President of India.
202	S.O. 1453, dated 11th May, 1962.	Ditto.	Appointment of Shri P. S. Subramanian, Deputy Election Commissioner to officiate, as Chief Election Commissioner.
	S.O. 1454, dated 11th May, 1962.	Ditto.	Making rules for regulating the conditions of service of Shri P. S. Subramanian.
203	S.O. 1455, dated 11th May, 1962.	Ministry of Information & Broadcasting.	Approval of film specified therein.
	S.O. 1456, dated 11th May, 1962.	Ditto.	Corrigendum to Ministry's Statutory Order No. 1199, dated 23rd April, 1962.
204	S.O. 1457, dated 12th May, 1962.	Ministry of Home Affairs	Programme of the ceremony in connection with assumption of Office of the President Dr. Sarvepalli Radhakrishnan, the President-elect.
205	S.O. 1458, dated 13th May, 1962.	Ditto.	Order and Proclamation of Dr. Sarvepalli Radhakrishnan's assumption to his seat as President of India.
206	S.O. 1459, dated 13th May, 1962.	Ditto.	Notifying Dr. Zakir Hussain's assumption to his seat as Vice-President of India.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 3rd May 1962

S.O. 1539.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Om Prakash Singh village Singhpur, P.O. Mustafabad, District Mainpuri (U.P.)	72-Jalesar
2. Shri Suresh Chandra Village & P.O. Kursanda, District Mathura (U.P.)	72-Jalesar

[No. UP-HP/72/62(13)38677.]

S.O. 1540.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Kishan Lal Mohalla Acharjan, Bijnor.	Bijnor.
2. Shri Mohd. Yaseen, Dhampur Husainpur, P.O. Dhampur.	Bijnor.
3. Shri Shiv Ram, Mohalla Kayasth Sara, Nagina.	Bijnor.

[No. UP-HP/5/62(18)38606.]

New Delhi, the 5th May 1962

S.O. 1541.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in

accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidates	Name of constituency
1	2
1. Shri Mukh Ram, Mohalla Asalatpur Bhura, Moradabad City.	Shahjahanpur.
2. Shri Ram Dulare, Mohalla Sarai Kaiyan, Shahjahanpur.	Shahjahanpur.

[No. UP-HP/13/62(19)/38840.]

S.O. 1542.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 314, of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Nardev, son of Shri Ghasi Ram, Village Rajpore, Post Office Brindaban, Mathura, calling in question the election to the House of the People from the Hathras constituency of that House of Shri Joti Saroop, son of Shri Ghurey Lal, 'Nagla Lala', Hathras.

Presented to me by Shri Nardev, whose signature has been obtained in the margin and attested as having been signed before me this the sixteenth day of April, One Thousand Nine Hundred and Sixty Two.

Sd/- NARDEV, Presented to me by Shri Nardev, whose signature
Signature. has been obtained in the margin and attested as
Attested. having been signed before me this the sixteenth day
Sd/- K. K. SETHI, of April, One Thousand Nine Hundred and Sixty Two.
Under Secy.
16-4-1962.

Election Commission, India.

Sd/- K. K. SETHI, Under Secy.
16-4-1962.
Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION NO. 314 OF 1962

Election petition under sec. 80, read with sec. 81 of the Representation of People Act, 1951.

In the matter of Election petition Parliamentary Constituency 76 Hathras—Aligarh, U.P.

Shri Nardev son of Shri Ghasi Ram village Rajpore Post Office Brindaban, Mathura.—*Petitioner.*

Versus

1. Shri Joti Saroop s/o Shri Ghureylal, 'Nagla Lala' Hathras.—*Respondt. No. I.*
2. Shri Pyarey Lal s/o Shri Puran, Mohalla "Kar" Hathras.—*Respondent No. II.*
3. Shri Ganga Sahai s/o Not Known Village Kandoli Tehsil Atrauli.—*Respondent No. III.*

The Petitioner most respectfully sheweth and submits as follows:—

(1) That the petitioner is a elector to the Parliament of India and is fully qualified to be elected as a member of the Parliament. (House of People).

(2) That the petitioner was a contesting Candidate at the election to 76—Hathras Parliamentary Constituency and is entitled to present this petition and

to question the election of Shri Jyoti Saroop Respondent No. 1 who was declared elected by the Returning Officer on 1st March, 1962.

(3) That the election to the said Parliamentary Constituency was held on three dates viz., 21st, 23rd and 25th February, 1962, and result declared on 1st March, 1962.

(4) That the petitioner asserts that the election of returned candidate Shri Jyoti Saroop—Respondent No. 1 of the Parliament from 76-Hathras Parliamentary Constituency is void, and the petitioner himself is entitled to be declared duly elected in place of Respondent No. 1, since the petitioner has claimed the seat—other contesting candidates have been joined as Respondent No. 2, and 3.

(5) That there were four contesting candidates to the Parliament from 76-Hathras, Parliamentary Constituency including the petitioner. The Petitioner was a candidate of the Congress party with symbol—"Two Bullocks with Yoke on".

Shri Jyoti Saroop was a candidate of the Republican party with symbol "Elephant".

Shri Pyare Lal—Respondent No. II was a candidate of the Jan Sangh with symbol "Deepak".

Shri Ganga Sahai was an independent candidate with symbol "Flower".

(6) That the total number of elector on the Voters list was 466486.

Total Votes polled was 254933.

(1) Respdt. No. 1 Shri Jyoti Saroop received 86163 Votes.

(2) Petitioner Shri Nar Dev received 33514 Votes.

(3) Respondent Pyarey Lal received 41214 Votes.

(4) Respondent Ganga Sahai received 31023 Votes.

(5) Votes rejected. 13019 Votes.

(7) That the aforesaid Parliamentary Constituency comprises Five State Assembly Constituencies—Gangiri, Sikandra Rao, Hathras, Sasni and Atrauli and Polling took place on 21st February, 1962, Gangiri—Akrabad, 23rd February, 1962—Sikandra Rao-Sasni Hathras, 25th February, 1962, Atrauli.

(8) That the election of the Respondent No. 1 was fought on Communal lines and the Respondent No. 1 was an active accomplice in all the corrupt practices that were committed in the election by Respondent No. 1 himself, his agents, workers and *Perokars*.

(9) That the Respondent No. 1 Shri Joti Saroop had formed an Election Committee consisting of Sarvashri Chowdhary Bihari Lal, Sukh Ram, Tika Ram, Dhani Ram; Munshi Lal, Ramji Lal, Nannu Mal, Sanaha Ram, Lalla Ram, Bishamber, Tara Chand, Leela Dhar, Gulab Chandra, Moti Lal, Madhan Pal all residents of Hathras to organise the election campaign of the Respondent No. 1 on his behalf.

(10) That this above Committee was working under the direction of the Respondent No. 1 and all hand-bills—Pamphlets, Circulars and directions were issued by the said Committee in consultation and approval of Shri Joti Saroop.

(11) That there was systematic appeal to Voters by the petitioner himself, his agents, *Perokars*, workers on communal lines, Sectional and Communal feelings were aroused by Respondent No. 1 his *Perokars*, Agents, Workers and the Leaders of the Republican Party to such a high pitch that Voters mostly illiterate Jatavs failed to think freely and act in the matter of voting independently. Details given in Schedule (1) annexed hereto.

(12) That in order to some how win the election, the Respondent No. 1 fully exploited the illiterate Jatavs by arousing in them hatred for Hindus, the Congress and the Congress sponsored candidate.

(13) That the Respondent No. 1 himself, has agents, *Perokars* and workers got printed a Pamphlet for holding three meetings for 21st February 1962 which Pamphlet was distributed by the Respondent himself, his agents, *Perokars* and Workers in the Village Mithai Papri, Mahroi, Kumar Pore, Nagla Bans, Chittawar Chandpa, Nagla Aijha, Mahmoodpore-Brahman, Katialia, Bulgarhi, Khera Parsoli and Bisara in petitioner's Parliamentary Constituency.

(14) That the said Pamphlet which was printed in Narayan Press—Hathras was distributed under the signatures of Sarvashri Bed Ram Neta, Lala Ram Pipal of Mithai, Hathras by Respondent No. 1 himself and other organisers of the meeting.

The Pamphlet under Head Line "CHETAWANI" which was issued for meeting at Mithai-Bisara and Kunwarpore and was fixed for 21st February, 1962 was widely distributed to Voters in Annexure 'A' and list of witnesses in this connection is Annexure A-1.

(15) That the said Pamphlet which is *Annexure 'A' contained false statements of facts which were deliberately made and got written by Respondent No. 1 knowing full well that those statements in Pamphlet were false and deliberately made to injure the election of the petitioner.

(16) That in three meetings organised in Villages Mithai, Bisara Kunwarpore which were important villages of the petitioners constituency. Meetings were addressed by Shri B. P. Murya, Shri Bed Ram Kardam, Shri Dori Lal and Respondent No. 1 himself and other leaders of Republican Party. Unhealthy propaganda against petitioner was made in speeches and the sentiments of Voters were aroused by slogan that "Soul of Dr. Amdeh Kar will be hurt if Jatavs voted for petitioner and his soul will not pardon them".

(17) That secret meetings were organised in Muslim Mohallas and slogan "Muslim-Jatav Bhai Bhai" "Hindu Kom Kanha Sai Ai", was raised with the result that Muslim throughout the Constituency voted for the Respondent No. 1 but for this slogan they would have voted for the Petitioner.

(18) That this Slogan "Jatav Muslim Bhai Bhai Hindu Kom Kanah Sey Aai" had very serious repercussions throughout the petitioners constituency and this Communal slogan was a death blow to secularism and Democracy. Important papers in India gave wide publicity to this slogan. *Hindustan Times* in its issue dated March 12, 1962 gave about it under Heading Swing Away from Congress in U.P. Annexure D.

(19) That due to unhealthy propoganda throughout the constituency and distribution of Pamphlet—the entire voters mostly Jatavs and Muslims of villages revolted against the petitioner and voted for the Respondent No. 1 which materially effected the result of petitioner's election.

(20) That the election of Respondent No. 1 is vitiated as the Respondent No. 1 himself and Respondent No. 1's father Shri Ghurcy Lal, Shri Bed Ram Kardam, President Tehsil Republican party and Noor Mohammad an influential Muslim Leader on or about the 27th/28th January, 1962 issued a Pamphlet in which the said Respondent No. 1, and his father promised to acquire the well and way to Cremation ground at his own expenses, as a gratification and bribe to secure votes of that locality, and adjoining villages. Details given in Schedule (2) annexed hereto.

The Pamphlet is *Annexure 'B' and list of evidence to be produced in the Annexure B-1.

(21) That the offer of acquiring the well and road to cremation ground was motivated by the desire to secure votes for Respondent No. 1 and to create apathy for the petitioner by wrongly narrating that the petitioner refused to render any help. The promise contained in annexure* 'B' regarding the construction of a well and the acquisition of land for a way to the cremation ground was a promise of illegal gratification and is a corrupt practice and vitiates the election. The promise was repeated by Respondent No. 1 at various places in his constituency during his election tour.

(22) That the contents of the Pamphlet *Annexure 'B' were entirely false concerning the petitioner and were deliberately got written by Respondent No. 1 knowing that the allegation were baseless.

(23) That this Pamphlet *Annexure 'B' had the desired effect for the Respondent No. 1 in as much as all those voters of the locality and villages which were affected by closure of well and passage revolted against the petitioner and voted for the Respondent;

(24) That the above citation are some of the many corrupt practices of the Respondent No. 1 at the election.

(25) That the Respondent No. 1, his agents perokars, workers and Canvassors issued a secret Circular to all the Agents and workers of Respondent No. 1 in which direction was issued to (1) Bring Voters especially ladies in Trucks hired by the Respondent No. 1. There was also direction to workers to entertain and treat the voters to sumptuous Tea and Food before they leave for voting. Details are given in Schedule (3) annexed hereto.

(26) That a copy of the Secret circular is *Annexure 'C'.

(27) That in compliance of the secret circular—the Respondent No. 1, his agent and workers were actually seen, carrying voters in Trucks and Motors to Polling Booths "Kantaliah, (Technical College) and the Barhaseni College, Saraswati Vidyalaya, Mithai, Bisana Ram Chandra Mills Lehra etc. A list of Trucks used alongwith their numbers and names of Drivers is *Annexure 'E' and the list of witness for evidence on this account is E-1.

(28) That these above trucks, Cars and Ekkas were used to fetch voters from respective centres to the Polling Booths.

(29) That the carrying of voters by trucks, cars and Ekkas was not only a corrupt practice indulged in by Respondent No. 1 himself knowingly and through his agents and workers. This corrupt practice materially affected the result of the petitioner's election in as much as most of the voters of the petitioner refrained from coming to cast votes for the petitioner on seeing that the petitioner had made no arrangement for their conveyance to and from the Polling station.

(30) That by party arrangement—it has been a long standing practice that the Congress Nominees contesting the Assembly seat from Tehsils will also work and canvass support for the candidate for the Parliamentary seat.

(31) That Shri Malkhan Singh was one of the Contesting candidates for Vidhan Sabha seat from Sikandra Rao who died after filing Nomination.

(32) That according to law, the election commission should have invited fresh Nominations but fresh Nominations were not invited with the result that the Constituency of Sikandra Rao remained unrepresented as far Congress candidate was concerned. The election work of the petitioner suffered due to there being no congress candidate for Assembly seat. The petitioner voters were made to believe that there was no Congress candidate in field, hence most of voters did not come for polling as they lost their interest in the election.

(33) That the Election Commission acted in contravention of section 52 R.P. Act and Rules. This contravention of the Act and rules materially affected the result of the petitioners election.

(34) That the Respondent No. 1 has submitted a wrong return of expenses and has deliberately concealed some amounts—still due against the petitioner No. 1.

(35) That the Respondent No. 1 has not filed receipt and Vouchers of all the expenses which should have ordinarily been filed. The Certified copy of election return is *Annexure 'F'.

(36) That Non filing of the true and genuine account is a serious offence which entitled the debarring of the Respondent No. 1 from retaining his seat. Details given in Annexure 'J'.

(37) That Respondent No. 1 is a converted Budhist by caste and religion and not a Jatav and as such does not come under the Scheduled Caste order, hence disqualified to election as a Scheduled Caste member, *Annexure 'G' witness to prove Annexure 'G' is Annexure G-1.

(38) That in view of the above disqualifications Respondent No. 1 could not have been nominated or elected to 76-Parliamentary Constituency.

(39) That for the specific citations of corrupt practices mentioned in the petition. The election of Sri Jyoti Saroop is liable to be set aside and election declared void.

(40) That the petitioner as required under section 117 of the Representation of People Act 1951 has on Eleventh April, 1962 (11-4-62) deposited Rupees Two thousand in favour of the Election Commission India in State Bank of India as Security for costs of the petition vide Challan No. 81 "Form 43A F.H.R., The original Treasury challan receipt is Annexure 'H'.

(41) That the petitioner reserves the right to furnish other better particulars and list of witnesses in support of the charges of corrupt practices after an inspection of relevant papers.

(42) That the counting of votes is not in conformity with the Act and rules. Most of the votes of the petitioner which should have been counted for petitioners were rejected. The total votes of petitioner & Respondents rejected were 13019. This also materially affected the result of the election.

(43) That the list of other witness which the petitioner will produce in re-grading corrupt practice is given in Annexure 'I'.

(44) That the Petitioner prays that the petition be referred to Election Tribunal for trial and for the following reliefs:—

(1) Declaration of the Election of the returned candidate Shri Jyoti Swarup Respondent No. 1 as void and the said Jyoti Swarup be unseated.

(2) Declaration that the Petitioner be declared elected as member of the Lok Sabha from 76-Hathras Parliamentary Constituency.

(3) Direction for the inspection of Ballots and other relevant papers not shown to the petitioner at the time of filing petition.

(4) Declaration that because the Respondent No. 1 has deliberately and knowingly committed corrupt practices under section 123 R.P. Act the Respondent No. 1 be disqualified for six years.

(5) Direction that Respondent No. 1 to pay costs and incidental expenses of the petition.

(6) Any other relief which Tribunal may deem fit under circumstances of the case.

Yours faithfully,

Date: 14th April, 1962.

NAR DEO.

s/o Shri Ghasi Ram, r/o Village:
Rajpore, P.O. Brindraban, Mathura.
.....Petitioner.,

VERIFICATION

I Nar Dev, petitioner herein above verify that whatever has been stated in the above petition in paras 1—24 and 30, 31, 32, 33, 36, 38, 39, 40, 41, 42 are true to my knowledge and contents of paras 25, 26, 27, 28, 29, 34, 35, 37 are verified as true to the best of my knowledge and upon information received and believed to be true and the rest are submission which require no verification.

NAR DEO,

Date: 14th April, 1962.

.....Petitioner.

A/1 List of witnesses in connection with Annexure 'A'.

1. Shri Bed Ram Neta Village & P.O. Mitai District Aligarh.
2. Shri Lala Ram Pipal Village & P.O. Mitai District Aligarh.
3. Shri Manphula Village & P.O. Mitai District Aligarh.
4. Shri Ram Khilarbi Pradhan Gaon Sabha Mitai District Aligarh.
5. Shri Chandrapal Village Papri P.O. Mitai District Aligarh.
6. Shri Narayan Village Papri P.O. Mitai District Aligarh.
7. Shri Churanji s/o Akali Jatava Village Mahmoodpur Brahman P.O. Mitai.
8. Shri Babu s/o Narayan Village Mahmoodpur Brahman P.O. Mitai.
9. Shri Khwaj Bux Village Gijroli P.O. Hathras District Aligarh.
10. Shri Yasin Khan Village Chitawar P.O. Mitai District Aligarh.
11. Shri Moti Khan Village Chitawar P.O. Mitai District Aligarh.
12. Shri Sardari Dhobi Village Chitawar P.O. Mitai District Aligarh.
13. Shri Kishan Lal Kachwaye Village Chitawar P.O. Mitai District Aligarh.
14. Shri Neka Village Humerpur Nagla Bans P.O. Mitai District Aligarh.
15. Shri Depal Village Humerpur Nagla Bans P.O. Mitai District Aligarh.
16. Shri Dori Village Humerpur Nagla Bans P.O. Mitai District Aligarh.

17. Shri Dhanna Khan Village Humerpur Nagla Bans P.O. Mitai District Aligarh.
18. Sikandar Khan Village Humerpur Nagla Bans P.O. Mitai District Aligarh.
19. Karan Singh Village Nahrol P.O. Hathras District Aligarh.
20. Shri Islam s/o Khachera Bisaran P.O. Bisara District Aligarh.
21. Sigriva P.O. Bisara District Aligarh.
22. Fozdar P.O. Bisara District Aligarh.
23. Ranvir Singh P.O. Bisara District Aligarh.
24. Shri Pitamber s/o Ramlal Chandpa P.O. Mitai District Aligarh.
25. Shri Deo Lal s/o Rati Ram P.O. Mitai District Aligarh.
26. Shri Rial Singh Village Khera Pargoli P.O. Mitai District Aligarh.
27. Shri Itwari Teli Village Khera Pargoli P.O. Mitai District Aligarh.
28. Shri Pir Bux Village Rohai P.O. Mursan District Aligarh.
29. Alla Din Village Rohai P.O. Mursan. District Aligarh.
30. Bahori Lal Village Rohai P.O. Mursan. District Aligarh.
31. Shri Makhan Village Chachpur Bhatela P.O. Mursan
32. Shri Moti Lal Village Rohai P.O. Mursan.
33. Shri Mewa Ram Village Chamarua
34. Shri Babu Lal Village Chahpur Bhatela P.O. Mursan.

NAR DEO,
Petitioner.

VERIFICATION

Verified that the contents of the document are, true to the best of my knowledge and upon information received and believed to be true. Verified at Aligarh.

NAR DEO,
14-4-62.

Annexure B. 1/Evidence of witnesses to be adduced in connection with and instances of Corrupt practices.

- (1) Matroo Mal—Bala Patti—Hathras.
- (2) Noor Mohammad—Nagla Lala Hathras.
- (3) Baboo Lal Nagla Lala Hathras.
- (4) Manager—Narayan Press Hathras alongwith original script of the Pamphlet bearing this signature of Glorey lall and others under the Heading 'Virat Sabha' Appeal on behalf of resident of Nagla Lala—Bala Patti Nagla Nai.
- (5) Printer and Publishers of Narayan Press Hathras.
- (6) Baboo s/o Phula Nagla Nai.
- (7) Imam Baksh s/o Ajmeri Nagla Nai.
- (8) Sikander s/o Bhulla Nagla Nai.
- (9) Shafi Mohammad s/o Nasir Khan.
- (10) Jiwa Ram s/o Chinga Ram Nagla Nai.
- (11) Kishori Lal s/o Pitamber Nagla Nai.
- (12) Dal Chand s/o Bihari Lal Jatav Gonda Hazari.
- (13) Ghan Shyam s/o Sunder Lal Khonda Hazari.
- (14) Khachera s/o Khandu Nagla Lala.
- (15) Fakira s/o Pir Khan Nagla Lala Hathras.
- (16) Babu Khan s/o Gulag Khan Nagla Lala Hathras
- (17) Pramsukh Bala Patti Hathras.
- (18) Hukma s/o Chattri Bala Patti Hathras.
- (19) Ismail s/o Kherati Mursan gate Hathras.
- (20) Alla Mahar s/o Mangli Nabi pore Hathras.
- (21) Shri Jagdish Pershad son of Shri Ram Narain Gandhi Chowk along with relevant papers in connection with the litigation about well and passage with Joti Sarup and others.
- (22) Record Keeper Civil court through District Judge Aligarh with file of the case Jagdish Pershad Vs. Moti Lal and others in the court of Munsif Hathras.

Original application U/s 107/117 Cr. P.C. and Notices u/s 112 from record room of the Collectorate case State Vs. Joti Saroop and others.

NAR DEO,
Petitioner.

VERIFICATION

Verified that the above contents are true to the best of my knowledge and on information received.

NAR DEO,
Petitioner.

Aligarh.
14-4-62.

ANNEXURE 'D'

Copy of the 'Hindustan Times' dated 12th March, 1962 with the heading "Swing away from the Congress in Uttar Pradesh."

"While this may account for part of the Congress losses, a new communal alignment was the feature of the election. Its slogan was "Jatav—Muslim bhai bhai, Hindu Qaum Kahan Se Ai." The Republicans, who gave this slogan, won eight Vidhan Sabha and three Lok Sabha seats and polled a total of as many as 6.64 Lakh Votes."

NAR DEO,
Petitioner.

Verified that the contents above are true upon information received.

NAR DEO,
Petitioner.

Aligarh.
14-4-62.

ANNEXURE "E"

1. Truck No. U.P.R. 9526.
2. Truck No. U.P.R. 9410.
3. Car No. UPB. 1535.
4. Car No. UPB. 886.

NAR DEO,
Petitioner.

VERIFICATION

Verified that the contents of this document are true to the best of my knowledge and upon information received and believed to be true.

Verified at Aligarh this 14th day of April, 1962.

NAR DEO,
Petitioner

ANNEXURE E.1.

- | | | |
|---|---|--------------------------------------|
| (1) Girdhari Singh | } | Village Chitawar. |
| (2) Sheo Dhyam Singh | | |
| (3) Kishan Lal Kadhwal | | |
| (4) Ram Khilari Pradhan Mitai. | | |
| (5) Chetram | } | r/o Village Mahmoodpore Baulman nau. |
| (6) Nathi Ram | | |
| (7) Gauri Shanker | | |
| (8) Chandra Pal Jatav Village Papri. | | |
| (9) Jwala Pd. Village Papri. | | |
| (10) Kundan Lal Brahma Village Papri. | | |
| (11) Jwala Pershad Village Papri. | | |
| (12) Ram Gopal Pradhan. r/o Village Eumarpore Nagla Bans. | | |
| (13) Narayan Singh r/o Village Eumarpore Nagla Bans. | | |
| (14) Baboo Singh r/o Village Eumarpore Nagla Bans. | | |
| (15) Shlam Baboo r/o Village Eumarpore Nagla Bans. | | |

- (16) Ghasi Ram r/o Village Eumarpore Nagla Bans
 (17) Moti Lal r/o Village Eumarpore Nagla Bans
 (18) Dusa San r/o Village Eumarpore Nagla Bans
 (19) Sheodhyan r/o Village Eumarpore Nagla Bans
 (20) Panni Lal r/o Village Eumarpore Nagla Bans
 (21) Danua Lal r/o Village Eumarpore Nagla Bans
 (22) Ghagraj Singh r/o Village Eumarpore Nagla Bans
 (23) Puran Singh r/o Village Eumarpore Nagla Bans
 (24) Bhoopal Singh r/o Village Eumarpore Nagla Bans
 (25) Panna Lal }
 (26) Dhan Pal } Village Chand Pa
 (27) Ram Charan }
 (28) Kishan Lal Pradhan }
 (29) Karan Singh } Arjun pore
 (30) Punna Dhobi }
 (31) Kali Charan }
 (32) Bhagwati Pershad } Nagla Aujha
 (33) Ganpat Gararia }
 (34) Jawahar Singh }
 (35) Har Pershad } Bool garhi
 (36) Kishori Lal }
 (37) Kishan Chand }
 (38) Ram Saroop } resident of Hathras,
 (39) Chiranjil Lall } District Aligarh
 (40) Ram Perkash }

NAR DEO,
 Petitioner.

VERIFICATION

Verified that the contents of this document are true to the best of my knowledge and upon information received and believed to be true

Verified at Aligarh this 14th day of April 1962

NAR DEO
 Petitioner

ANNEXURE G/1

List of Witnesses to Prove Annexure G'

- 1 Shri Madan Lal Hitaishi Printer and Publisher "Daily—Prakash" Aligarh.

NAR DEO
 Petitioner

VERIFICATION

Verified that the above contents are true to the best of my knowledge and belief

NAR DEO,
 Petitioner.

Aligarh
 14-4-62

ANNEXURE 'I'

List of witnesses to be produced on behalf of petitioner

- 1 Mohan Lal Bhatnagar Resident of Hathras
- 2 Jai Kishore Sharma Resident of Hathras
- 3 Champa Ram Resident of Hathras
- 4 Bholu Nath Vijai Resident of Hathras

5. Puran Chand Seth Resident of Hathras.
6. Shiv Dev Vakil Resident of Hathras.
7. Radha Ballabh Sharma Resident of Hathras.
8. Gopal Parshad Vakil Resident of Hathras.
9. Liela Dhar Pipal Member M. Board Hathras.
10. Prem Chand Sharma M.L.C. Hathras.
11. Laxmi Narain Yadav.
12. Pt. Ram Parshad Mendu.
13. Salig Ram Sikandra Rao.
14. Narain Hari Bonai Hathras.
15. Jai Singh Yadav Nogavan.
16. Keshav Dev Pathak Rudain.
17. Sri Shri Niwas M.L.A. Aligarh.
18. Om Prakash Barla Atrauli.
19. Nand Kumar ji Vasit Parliamentary Secretary, Uttar Pradesh Pradesh Govt.
20. Shri Ram Khiloni Garg, Hathras.

NAR DEO,
Petitioner.

VERIFICATION.

Certified that the above contents are true to my personal knowledge and belief upon personal information received.

Aligarh.

14-4-62.

NAR DEO,
Petitioner.

ANNEXURE 'J'

Details of the allegations made in paras 34, 35 and 36 of the petition in respect of the items of expenditure shown by respondent No. 1.

1. The Respondent No. 1 has not kept the accounts of expenses incurred by him during election regularly and in due course, as is evident from column 1 of the return of election expenses filed by him which is Annexure 'F' Item Nos. 5 to 11 of the said return are not supported by vouchers or receipts and Item No. 24 is also not supported by a voucher or a receipt. All these items appears to have been inserted in the return to fulfil the formality and the amounts shown to have been spent on the said items are bogus and fictitious. On item No. 15 an amount of Rs. 500/- is shown to have been spent on three EKKAS & Tongas and in column 10 of the return it has been shown that the said three conveyances were fitted with loud-speakers; but not a shell has been shown towards the payment of loud-speaker charges. The person to whom the payment of Rs. 500/- is shown is a fictitious person inasmuch as EKKAS and Tongas plying in Tehsil Khair could not be allowed to ply in the constituency. On last but one item of the return an amount of Rs. 430/- has been shown to have been paid to the same Magan Lal of Dhair on the same date i.e. on 26th January, 1962 These two items have been manipulated simply to fulfil the formality. That an amount of Rs. 100/25 nps. has been shown to have been spent on petrol while a ridiculous amount of Rs 3/8 np. is shown to have been spent on Mobil-oil. The disparity between these two amounts leads to the conclusion that these items too have been fabricated. The last item of Rs. 66/- shown to have been spent on bus-fare does not disclose as to when and for what purpose the amount was utilized nor there is any voucher from the U.P. Government Roadways to authenticate the same. Respondent No. 1 used vehicles mentioned in annexure E but no expenditure incurred thereon has been shown in the return. The entire items shown in return have been concocted and manipulated and respondent No. 1 has not kept true and faithful accounts of the expenditure incurred by him on his election and thereby he has rendered himself liable to be disqualified to retain his seat.

NAR DEO,
Petitioner.

VERIFICATION.

Verified that the above contents are true to the best of my knowledge and upon information received.

NAR DEO,
Petitioner.

SCHEDULE (1)

In order to produce votes of Muslims and Jatavas of the villages Mithal, Papri, Nahrol, Kunwarpur, Nagla Bans, Chitawar, Chandpa, Nagla Aujha, Mahmudpur Brahmawan, Katailla, Bulgarhi, Khera-Paroli and Bisana and elsewhere a leaflet under the head line "Chetawani" annexed with the petition was widely distributed by respondent No. 1 Sri Joti Swaroop and his supporters. Sarvashri Bedram Neta and Lala Ram Pippal and others and in furtherance of their intention to arouse communal feelings in the said Communities, meetings were arranged on 21st February, 1962 at Meetai, Besana and Kumerpur wherein prominent Republican leaders like Shri B. P. Maurya, Bedra Kardam, Dori Lal Maurya, and others gave inflammatory speeches calling upon the said communities to unite against Brahmans and Hindus and to vote for Shri Joti Swaroop who himself participated in the aforesaid meetings in their speeches they went to this extent that in case Joti Swarup was not voted for by the Jatavas the soul of Dr. Ambedkar will be hurt; and poisonous slogans like "Jatava Muslim Bhai Bhai, Hindu Koam Kahan se Ai" were raised in the said meetings and besides the petitioner was accused and abused for being a believer in casteless and classless society. The illiterate and simple Muslim and Jatav residents of the aforesaid village succumbed to these fiery speeches of the aforesaid leaders as a consequence of which the result of the Election was materially affected inasmuch as a large number of persons other than those mentioned, in Annexure A/1 attended the said meetings and fell a prey to the evil devices resorted to by respondent No. 1.

NAR DEO,
Petitioner.

VERIFICATION.

Verified that I believe the above contents to be true on information received.
Aligarh.
14-4-62.

NAR DEO,
Petitioner.

SCHEDULE (2)

That the residents of Village Nagla Lala, Nagla Nai, Balapatti and Khonda-Hazari have been agitating for acquiring a shorter route to their cremation ground and also to make use of a wall situated near the cremation ground, belonging to the Zamindar. The respondent No. 1 took advantage of the said agitation, who himself was a party to it, and in pursuance thereof he arranged a meeting at Bagichi Rameshwar through his father Ghurrey Lal and Others supporters in that behalf; and such a meeting was held at the above said place on 28th January, 1962, at about 4 P.M. wherein respondent No. 1 and his father gave an allurement to the residents of the said villages that in case respondent No. 1 is elected he would get both the aforesaid demand of the villagers fulfilled even at his expenses. On this assurance and allurement given to the residents of the said villages by respondent No. 1 he procured a very large number of votes which would otherwise have been casted in favour of the petitioner. Large number of persons mostly Jatavas and Muslims other than those given in Annexure B/1 attended the said meeting.

NAR DEO,
Petitioner.

VERIFICATION.

Verified that the above contents are true to the best of my knowledge and upon information received.
Aligarh.
14-4-62.

NAR DEO,
Petitioner.

SCHEDULE (3)

In furtherance of his election campaign to procure votes on communal basis and to give a practical shape to the said scheme, the respondent No. 1 got a 'secret Bulletin' circulated amongst his workers and agents through a committee constituted to conduct his election campaign, wherein the workers agents were directed to make use of the conveyances hired by him to carry mostly women folk voters to the various polling stations. They were further directed and instructed to approach from door to door Jatava and Muslim voters and to remind them of their sacred alliance on the day of poll. The said scheme was actually given effect to by the workers of respondent No. 1 who early in the morning on the date of poll utilized the conveyances and took the voters to polling booths in Trucks Nos. UPR 9526 and UPR 9419 and Car No. U.P.B. 886 and U.P.B. 1535 at polling Booths Katellah, Technical—College, Barahseni College, Saraswati Vidyalaya Ram Chandra Mills, Lehra Mithale, Bisana, Soakna, Bamnai, Khokia. In the manner aforesaid the respondent No. 1 resorted to corrupt practice, which materially affected the result of petitioner's election in as much as most of the voters of the petitioner as an envy refrained from going to the Polling Booths to cast their votes in favour of the petitioner.

NAR DEO,
Petitioner.

VERIFICATION.

Verified that I believe the above contents to be true from my personal knowledge and from information received.

Aligarh,
14-4-62.

NAR DEO,
Petitioner.

[No. 82/314/62.]

New Delhi, the 6th May 1962

S.O. 1543.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 304 of 1962, presented to the Commission on the 16th April, 1962 under section 81 of the said Act, by Shri Shibban Lal Saxena, Son of Babu Chhotey Lal, 64-D, Miah Bazar, Gorakhpur (U.P.), calling in question the election to the House of the People from the Maharajganj constituency of that House of Shri Mahadev Prasad, M.P., 49, Anandnagar, P.O. Anandnagar, District Gorakhpur (U.P.).

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 304 of 1962

Shri Shibban Lal Saxena, s/o Babu Chhotey Lal, 64-D, Mian Bazar, Gorakhpur, (U.P.)—*Petitioner.*

Versus

Shri Mahadev Prasad, M.P., 49, Anandnagar, P.O. Anandnagar, Distt. Gorakhpur, U.P. (Returned candidate)—*Respondent.*

Election petition No. of 1962 under S 81, Representation of the People Act, 1951, calling in question the election of the Respondent to the House of the People from Maharajganj Parliamentary Constituency, No. 40, U.P., at the general elections held in February, 1962.

The petitioner states as follows:—

(1) By notification dated 13th January 1962, in the exercise of his powers under S.15, Representation of the People Act, 1951, the President of India called upon all the Parliamentary Constituencies in the State of Uttar Pradesh to elect members to the House of the People to constitute a new House on the expiration of the duration of the existing House.

(2) By another notification of the same date, the Election Commission, in the exercise of its powers under S.30, Representation of the People Act, 1951, fixed the election programme, appointing:

20-1-1962 as the last date for making nominations,

22-1-1962 as the date for scrutiny of nomination papers,

25-1-1962, as the last date for withdrawal of candidatures.

The date 23-2-1962 was fixed as the date of poll for Shameurwa and Pharenda East, U.P. Legislative Assembly Constituencies and the same date was also fixed for simultaneous poll in those parts of the Parliamentary Constituency. Similarly, 25th February, 1962, was fixed as the date of poll for the U.P. Legislative Assembly Constituencies of Maharajanj, Pharenda West and Binayakpur. The poll for those parts of the Parliamentary constituency also took place simultaneously on the same date. The Parliamentary constituency consisted of the above-mentioned five U.P. Legislative Assembly constituencies and there were held simultaneous elections for the Parliament and the U.P. Legislative Assembly.

(3) By another order, the District Magistrate, Gorakhpur, and Mr. G. P. Srivastava, District Election Officer, Gorakhpur, were appointed returning and assistant returning officers for the said Parliamentary constituency and they acted as such at the elections.

(4) The poll took place on the appointed dates; the counting of votes in Shamdeurwa and Pharenda East Assembly constituencies and for that part of the Parliamentary constituency took place on the 26th February, 1962 at the Collectorate, Gorakhpur, from 10.00 a.m. to about mid-night. The counting of votes for the three Assembly constituencies as well as for that portion of the Parliamentary constituency took place at the Collectorate, Gorakhpur, on 27-2-1962 from 10.00 a.m. to about 6.00 a.m. next morning. The final result of the Maharajanj Parliamentary constituency was declared on 28-2-1962 at about 2.00 p.m., declaring the respondent to have been duly elected.

(5) According to the result announced by the returning officer after the counting was over, the particulars about voting are these:—

Respondent (returned candidate) obtained	95469 votes
The Petitioner obtained	71098
Shri Mahatam, another contesting candidate obtained	14577
Rejected votes	7487
Total votes polled	186315

(6) The petitioner stood as a candidate for the Socialist Party and was allotted the symbol 'tree'. The respondent's candidature was sponsored by the Congress Party and his symbol was 'two bullocks with yoke on' Shri Mahatam was a P.S.P. candidate and was allotted 'hut' as his symbol. The parties and Shri Mahatam were the only contesting candidates for this Parliamentary seat.

6 (a) The election in the Parliamentary constituency of Maharajanj and in the five Assembly constituencies under it, was fought on party lines, and the candidates for the Parliamentary seat and for the Assembly seats comprised in it from the Congress and the Socialist parties helped one another and carried on the election campaign jointly. The candidates for Parliament and for the five Assembly constituencies from these two parties were:—

Name of Constituency	Names of candidate of the two parties.	
	Congress	Socialist
Maharajanj Parl. Const.	Shri Mahadev Prasad, M.P.	Shri Shibban Lal Saxena.
—do— Assembly Const.	Shri Sukhdeo	Shri Duryodhan Prasad, M.L.A.
Shyamdeurwa --do--	Shri Ashtbhuja Prasad M.L.A.	Shri Amarnath Misra
Pharenda East Assembly Const.	Shri Dwarka Pandey.	Shri Ramanuj Pandey
Pharenda West. --do--	Shri Gauri Ram Gupta.	Shri Narsingh Pandey
Binaikpur --do--	Shri Ram Avadh Singh, M.L.A.	Shri Abdul Rauf Lari

(7) The election of the respondent is liable to be declared void on the following grounds:—

(1) He was disqualified to stand as a candidate and not fit to be chosen as a member of Parliament on the day of the election. At the time of his election he was an Assistant Professor of Philosophy at the Gorakhpur University and having regard to the provisions of the Gorakhpur University Act, 1956, the U.P. Universities Act, 1961, and the various removal of difficulties orders issued by the State Government, the allegation is that he held an office of profit under the Government of the State of Uttar Pradesh.

Other circumstances relating to his candidature bearing on this ground are as follows:—

He applied for six months' leave on 12-1-1962, to commence from 15-1-1962 to 30-6-1962. The Executive Council of the University refused this leave on 27-1-1962. Thereupon he tendered his resignation on 1-2-1962 but it was accepted only on 3-3-1962.

(2) The respondent committed corrupt practices mentioned in the succeeding paragraphs.

(8) The respondent has been guilty of the commission of the following corrupt practices:—

(a) The respondent, Shri Mahadev Prasad, is Vaish by caste and the Vaish community is a very influential and wealthy community in all business areas in cities and village markets in this constituency. Shri Mahadev Prasad took full advantage of this fact and tried to organise his election campaign by appeal to this influential Vaish community to vote for him, because he belonged to the Vaish community and to other Congress candidates, because Congress had given the Parliament Ticket from Maharajganj Parliamentary Constituency to a Vaish candidate and because the Chief Minister of U.P. was also a Vaish by caste. In Nautanwa he organised support for his candidature through the influential Vaish sub-caste of Jaiswals, having 300 voters in it. Accordingly, he fanned the caste-feelings of his Jaiswal brethren by meeting their leaders in Nautanwa on the 8th February and he successfully persuaded them to convene a meeting of their brotherhood on the 9th February in the Thakur Mandir in Nautanwa so that the members of the Jaiswal community might take a pledge to further the prospects of his election and the election of his other Congress colleagues by voting for them. Accordingly, a meeting of the Jaiswal community which is the most influential sub-caste of the Vaish community was held in Nautanwa on the 9th February under the Presidentship of Lala Bhagwandas who is the President of the Jaiswal Sahayak Samiti of Nautanwa. Shri Mahadev Prasad himself and Shri Ram Avadh Singh, the Congress candidate for the U.P. Assembly from the Binayakpur Assembly constituency were present. Shri Ram Avadh Singh told the meeting that now that a distinguished member of the Vaish Community, Dr. Mahadev Prasad, had been given ticket for Parliament from the Maharajganj constituency, and the State Chief Minister, Shri C. B. Gupta, was also a Vaish by caste, it was the duty of all the members of the Vaish community to do their utmost to ensure the victory of Dr. Mahadev Prasad and other Congress candidates in the district by voting en bloc for the Congress. Thereafter, Dr. Mahadev Prasad also spoke and thanked the Congress for having honoured a member of the Vaish community by giving it ticket for Parliament from Maharajganj. If elected, he went on to say, he would do his utmost to further their interests and he appealed to the members to organise themselves to see that every member of the Jaiswal sub-caste voted for him. The President, Mr. Bhagwandas, then asked the members of the community gathered there to take a pledge in front of the Thakur Mandir to vote for Shri Mahadev Prasad and other Congress candidates. A notice* (Annexure A) containing this appeal was subsequently printed and widely distributed. This notice was got printed by Shri Mahadev Prasad himself. The poster contains an appeal to the members of the Jaiswal sub-caste on the ground of such sub-caste to vote for the respondent in particular and other Congress candidates in general and this appeal having been issued by the office bearers of the Jaiswal Sabha with the consent of the respondent, constitutes corrupt practice as defined in S.123(3), Representation of the People Act, 1951.

This poster was later on distributed by the respondent and his volunteers and workers in Nautanwa bazar about a week after the said meeting in the afternoon of 17-2-1962 and at other places, namely, Adda Bazar on the afternoon of 14-2-1962, Laxmipur Bazar in the afternoon of 18-2-1962, Bridgmanganj Bazar in the evening of 18-2-1962, Anandnagar in the afternoon of 21-2-1962 and other Bazars in the constituency by the respondent and Shri Ram Avadh Singh and their Congress workers and volunteers.

Amongst the persons who were present at the meeting in the temple at Nautanwa on 9-2-1962 may be mentioned: Panchu s/o Tehl, resident of Nautanwa, Bharosey and Jamuna, Ram Das s/o Lal Bchari, Hazari Lal Ashtbhuja, Pathak of the same place and Ganga resident of Bhundi. The ceremony of administering oath to members at the Mandir which is situated in the main bazar, was witnessed by them and by many other persons whom the petitioner will call for evidence at the trial.

*Not printed.

(b) In the area of the Binayakpur Assembly constituency in a Kuti at village Patrehwa near Lachmipur Bazar, there lives a well-known Sadhu, Shri 108 Baba Mohandas, who is in the habit of distributing Tulsi dal which are sacred leaves of Tulsi plant, which is regarded as a deity, to those who obtain his spiritual blessings. He has not been taking part in politics in the past and was widely respected and held in awe and reverence. Two years back, Baba Mohandas started digging a tank near his Kuti which is far from the village Abadi. A little after he started digging the tank, the petitioner and Shri Abdul Rauf Lari happened to pass by that Kuti and seeing the tank being dug, went into the Kuti to pay their respects to the Baba. There they suggested to him that he should get the tank dug near the village Abadi where it should be of great use to the public and where public charity and Government help in completing the project could be more easily obtained. But the Baba insisted on digging the tank near the Kuti and said that help should be made available to him for digging the tank near the Kuti. As the petitioner and Mr. Abdul Rauf Lari considered the project to be of little public value, and the mere whim of a Sadhu to embellish his Kuti, they remained averse to the project and did not do anything to help it. Dr. Mahadev Prasad, respondent, and Shri Ram Avadh Singh, the Congress Assembly candidate from the Binayakpur constituency learnt about this desire of Baba Mohandas and tried to incite the people against the petitioner and Shri Abdul Rauf Lari by publishing notices saying that even though they were M.P. and M.L.A. of the area, they had not helped the Baba in the construction of his tank, through one Abdul Jaivad who was an old Congress worker and whom Dr. Mahadev and Shri Ram Avadh Singh had helped to stand as an independent candidate against Shri Abdul Rauf Lari. On the 25th and 26th of January, 1962, Baba Mohandas held a huge Bhandara which is an occasion for a large congregation of Sadhus and disciples from far and near for religious discussions and where the Baba arranges to give free food and lodging to all of them and the disciples of the Baba make contributions and offerings to him to meet the expenses of the occasion. Seeing that this was a psychological moment to secure the support of the Baba in their favour and against the petitioner and Shri Abdul Rauf Lari, who had already annoyed the Baba by criticising his tank project, Dr. Mahadev Prasad and Shri Ram Avadh Singh together with some of their workers attended the Bhandara on the 25th of January and made an offering of Rs. 251/- and Rs. 101/- respectively to the Baba as their contribution towards the expenses of the Bhandara. Dr. Mahadev Prasad also presented a bag of wheat-flour to the Baba for the occasion. They then saw his tank, showed great appreciation of the project and promised him Government assistance from Block Development grant for completing it if they were elected and also told him that the petitioner and Shri Abdul Rauf Lari being members of the opposition, could not and would not be able to persuade the Government to bestow any grant from the Development fund for the tank's construction and, therefore, asked the Baba to exercise his influence over the large class of his followers to vote for them in the coming general elections. The Baba was delighted and he promised to do every thing to secure their victory if they promised to get his tank project, which was lying unfinished for a couple of years completed. Dr. Mahadev Prasad and Shri Ram Avadh Singh reassured the Baba on the matter and desired him to issue a public notice in their support and told him that they would come to him after the Bhandara to take his photo for preparing a block to print his photo on the notice which they would publish in his name.

The Baba agreed to do so and told the audience gathered there of Dr. Mahadev Prasad and Ram Avadh Singh's promise and requested them to vote for them and other Congress candidates and to use their influence to further the prospects of their election otherwise they would incur his displeasure and his spiritual blessings would be denied to them. Thereafter Dr. Mahadev Prasad and Shri Ram Avadh Singh addressed the audience, eulogised the saintliness and the services of the Baba and his tank project and wondered why the petitioner and Abdul Rauf Lari had criticised the project, and withheld their support in the construction of the project. Besides, they told the audience that, being opposed to the Government party, the petitioner had not the necessary influence with the Government and the block authorities to get Government aid sanctioned for the completion of the tank project. They promised that if they were elected, they would see that a beautiful tank was constructed near the Kuti. They then left after dining in the Bhandara and receiving Baba's blessings and his tulsi dal. A few days after, Dr. Mahadev Prasad and Shri Ram Avadh Singh again returned to the Baba's Kuti with a photographer and got him photographed. Thereafter, a notice was published under Baba's signature containing an appeal from the Baba to support the Congress candidates in the coming elections in general and Dr. Mahadev Prasad and Shri Ram Avadh Singh in particular. Dr. Mahadev

Prasad and Shri Ram Avadh Singh arranged to get twenty-five thousand notices published under the Baba's signature and brought them to the Baba on the morning of Sunday, the 4th February, 1962 when Shri Sita Ram, Bansraj Sabhapati, Pary Moharaj amongst many others happened to be present. The Baba gave them two buckets full of Tulsi leaves washed by him with water and blessed by him and asked Dr. Mahadev Prasad and Shri Ram Avadh Singh to get the notices and the Tulsi leaves distributed to the voters as his prasad. He also promised to go about the villages and other bazars to personally canvass for them and to distribute tulsidal to the voters whose acceptances thereof would be the pledge to vote for them in the coming elections. A copy of the notice is given in *Schedule B, of this petition.

The plain reading of the poster indicates that the blessings of the Baba were intended only for those who would vote for the Congress and not for others. The negative inference to be drawn from the contents of the poster, in the light of the above circumstances and of what the distributors said orally at the time of its distribution, by an ordinary person was that unless a person voted for the respondent and the other Congress candidates, he would incur the spiritual displeasure of the said Baba and the circumstances of publishing this notice constituted the corrupt practice of undue influence under S. 123(a)(i) and (ii). The use of the religious symbol of Tulsidal constituted corrupt practice U/S 123(3), and the payment of money and wheat-flour to the Baba on this occasion and the promise of getting Government and other aid for completing his tank, constituted the corrupt practice of bribery, U/S 123(1)(B)(b).

The poster with Tulsidal was distributed in Lakshmipur Bazar on 11-2-1962 and 18-2-1962, Adda Bazar on 14-2-1962 and 21-2-1962, in Nautanwa Bazar on 17-2-1962, in Dungroopur Bazar on 11-2-1962, under the direct supervision and eye of both the Congress candidates and in other Bazars on different dates by other Congress workers to hundreds of people. A large number of persons were thus contacted. The candidates themselves were also in possession of a large bundle of those posters and Tulsidal and were distributing the same wherever they went.

(c) The respondent obtained the assistance of one Janki Sharan Mishra, Kurk Amin (Tehsil Gorakhpur) a Revenue officer and a person in the service of the Government. At the material time he was employed at Tehsil Sadar, Gorakhpur. He is distantly related to Sri Amarnath, the Socialist candidate from Shyamdeurva Assembly Constituency and there have been disputes between him and the said Janki Sharan. He was inclined against him and the petitioner. The respondent and other Congress candidates in the district, taking advantage of this fact and knowing that a Kurk Amin has, and can exercise, great influence amongst illiterate peasantry by virtue of his duty of collection of revenue and other revenue duties in the discharge of his official functions, obtained his co-operation. He actually canvassed for the respondent and for other Congress candidates from the very beginning of the election campaign. An agitation was started against him. Thereupon he presented his resignation from the post on 1st February 1962 which was accepted on 13th February 1962, so far as the petitioner has been able to ascertain. Later on, he acted as polling agent of Shri Yadvendra Singh, a Congress candidate for the Tilpur Assembly constituency on 25th February 1962, the date of the poll, at polling station, Harpur Pakri.

In the course of his canvassing for the respondent and other Congress candidates, Shri Janki Sharan worked very actively, visited many villages, held many meetings, approached many voters individually and collectively, both before and after his resignation.

Special mention may be made of three occasions. They are these:—

(1) On 25th January 1962, in village Partawal, on bazar day, the Socialist Party had convened a big meeting which was attended by the petitioner and many Socialist leaders and workers and villagers from the neighbourhood. Shri Janki Sharan reached the place, created disturbances in their meeting and convened a meeting of his own at some distance therefrom. He addressed the meeting and in the course of his speech he exhorted the audience to support the Congress candidates including the respondent. He criticised the petitioner saying that he had been their representative of the constituency now for 25 years at a stretch and their troubles and difficulties had not ended. He also criticised other Socialist leaders. In the meeting both the respondent and Shri Ashthbhuia Prasad, Congress candidate for Shyamdeurva Assembly constituency, were also present

and they also addressed it. Ram Chander, Sikandar, Nand Kishore, Jaggannath, Ghalal, Rama Kant and Rejeshwar were some of the persons who were present in these meetings which were held in the evening.

(2) On 26th January 1962 he did canvassing for the respondent in his home village Banspar and the adjoining village Dhikai and in doing so acted as his agent. In the course of his canvassing, he approached the voters, some of them were Ram Avadh, Bharat Raj Singh and Babu Nandan.

(3) On 3rd February 1962, in village Parsauni, on bazar day, the respondent arranged for an election meeting through Shri Ashtbhuja Prasad, the Congress Assembly candidate from Shyamdeurva constituency and his agent, in the circumstances or otherwise acting with his consent for him, which was also attended and addressed by Shri Janki Sharan. He repeated the substance of his earlier speech and exhorted the audience to vote for the respondent and the other Congress candidates. Some of the persons who heard the speech are: Bhirgun Das and Dhanif of Village Parsauni and Hari Charan, Bhuneswar, Bishwanath of Village Banspar and Durga Pershad, of Village Gurdhowa.

(d) The respondent, through his agent Ramhit of Village Barrasia Kalan, and through Abdul of village Rujahna, agent of Shri Ram Avadh Singh, hired and procured bullock carts and rickshaws to convey voters on the polling day. Particulars of the said corrupt practice appear in Annexure C.

(e) The return of election expenses lodged by the respondent with the returning officer is inaccurate, not properly maintained and is false in material particulars. Many items of expenditure incurred by him have not been shown in the return at all. His total expenditure in connection with the election exceeded the prescribed limit. All these facts are brought out in the list which appears in the Annexure D.

(f) Shri C. B. Gupta, Chief Minister of the State, toured the constituency and the neighbouring area on 27th January 1962. To support the candidature of the respondent and other Congress candidates in the Parliamentary and Assembly constituencies of this area, meetings were convened by Shri Ram Avadh Singh, President of the District Congress Committee, Gorakhpur, Shri C. B. Gupta addressed these meetings at Maharajganj, Nichnaul, Nautanwa and Anandnagar on the same day. The respondent and the other Congress candidates participated in these meetings were present throughout and Shri C. B. Gupta made his speeches with their consent, primarily to support their candidatures. In the course of his speeches, the Chief Minister charged the sitting members of that area, including the petitioner, with negligence of their constituents and accused them of having never raised in Legislatures or having never brought to his notice in any other manner their problems, particularly those regarding the difficulties of the sugarcane growers, the protection against floods and the construction of Nepal Bund in that connection, the construction of the Nautanwa Thunti Bari Road and other roads and the electrification of Nautanwa Town Area and other villages in the district. His speech was briefly reported in the papers, a cutting about which from the Daily Aj of Varanasi, is given in *Annexure E. Shri Madan Pandey had correspondence with the Chief Minister soon after his departure, in which he refuted the accusations made against the sitting members of the legislature from that area. This correspondence is given in *Annexure F & F(1). The announcement for the meetings was issued in the name of Shri Ram Avadh Singh, Congress Committee President and also the Congress candidate, from the Binsyokpur U.P. Legislative Assembly *(Annexure G). In these meetings, Shri C. B. Gupta made statements which were false to his knowledge made in relation to the petitioner's conduct and candidature and were reasonably calculated to prejudice the prospects of his election. As a matter of fact, the petitioner as a sitting M.P. from Maharajganj Parliamentary Constituency, had raised those questions before the Government and the public in many diverse ways by putting questions and by other methods in Parliament by holding demonstrations and by submission of memoranda to Shri C. B. Gupta, the Chief Minister, himself. These speeches of Shri C. B. Gupta, the Chief Minister, were calculated to prejudice and did actually prejudice the petitioner's prospects at the election very seriously and the respondents being responsible for what was said by Shri C. B. Gupta committed the corrupt practice mentioned in S. 123(4), Representation of the People Act, 1951.

(g) One Ram Chander Gupta, a clerk in Bansaun Tehsil Office, a revenue officer and a Government servant, took about one month's leave in the months of January and February, 1962, and visited the villages in the constituency to

canvass for the respondent and for other Congress candidates. During the period of his leave he addressed an election meeting on 5th February 1962, bazar day in village Khoria. The respondent and Shri Ram Avadh Singh, an Assembly candidate, had accompanied him and were present at the meeting. On that day, a meeting organised by the Socialist party was also in progress. They, at first, tried to disturb the last mentioned meeting and also held a meeting of their own to distract the attention of the voters attending the Socialists meeting. Shri Ram Chander, the respondent, and Shri Ram Avadh addressed the meeting. In the course of his speech, Shri Ram Chander referred to the aid which the area was receiving for development work from the Congress Government and impressed on the audience that in case they did not return a Congress nominee they were likely to lose a substantial portion of such aid. Some of the persons present at those meetings in Khoria Bazar on that day were Jagdev, Ramjas and Chandra Shekhar, of village Surajpura, Raghubar of village Khoria besides many others. The respondent thus committed the corrupt practice mentioned in Section 123(7)(f).

(h) Shri Jamina Singh, Kurk Amin, and a Government employee in the Tehsil Bangsaun and, as such, a revenue officer, acted as polling agent for Ram Audh Singh, Congress candidate from Binayakpur, U.P. Assembly Constituency at polling station No. 101, named Koluhi. The interests of the respondent were looked after at that polling station by the agents of Shri Ram Avadh Singh. Shri Jamina Singh also participated in the election propaganda for the respondent in Koluhi bazar on 23rd February 1962 by addressing a public meeting in the Bazar in the afternoon at which the respondent and Shri Ram Avadh Singh were also present and spoke. In his speech, Shri Jamina Singh exhorted the audience to vote for the respondent and for the other Congress candidates and told the audience that the Congress was sure to win and form the Government and if they wanted any benefit, they should vote for the respondent and other Congress candidates. Similarly, he also participated in meetings held at other places on several other occasions before the date of poll. In these circumstances, he is alleged to have acted as an agent of the respondent. Amongst the persons who were present in that meeting on 23rd February 1962 were Syed Hussain, President, Gram Sabha Parmeshwarapur; Bhagwati, President, Gram Sabha Sisahnia, Ram Shekhar Pandey, resident of village Sisahnia; Ram Adhar, resident of village Rajdhani and many others who came for the Bazar that day. The respondent, therefore, committed the corrupt practice U/S 123(7).

(9) Simultaneous holding of elections for the U.P. Legislative Assembly and the House of the People resulted in such an extensive disregard of the provisions of the Representation of the People Act and the rules made thereunder that the result of the election must be deemed to have been materially affected. The petitioner suffered seriously on this account and many voters who wanted to vote for the petitioner for Parliament and for the Congress for the Assembly got confused and voted for the petitioner's symbol 'tree' on the Assembly Ballot papers and for the pair of Bullocks with yoke on, on the Parliament Ballot paper, when, both the ballot papers were given simultaneously, to the voters. The scheme of the Acts and the rules does not contemplate the holding of such simultaneous elections which only cause confusion. A careful examination of the scheme of the Act would indicate to the contrary. Particular reference may be made to Ss. 21, 26, 36, 50, 52, 64, Representation of the People Act, 1951, and rules 2(b), 2(h), 2(i), 2(j), 5(2), 32, 33, 44, 53 and 55 made thereunder.

(10) Reserve Bank of India, New Delhi, Receipt No. 170921 dated 11th April 1962 to prove the deposit of a sum of Rs. 2000/- as security for costs of the petition is enclosed herewith.

(11) The petitioner was a contesting candidate at the election and is entitled to present and maintain the petition.

(12) The result of the election was declared on 28th February 1962 and the last day of limitation falls on 14th April, and 15th April 1962, which are public holidays, for the office of the Election Commission. The petition is, therefore, being presented on 16th April 1962 in the light of S. 10, General Clauses Act.

(13) It is, therefore, prayed that the election of the respondent from Maharajgani Parliamentary constituency, No. 40, to the U.P. House of the People may be declared void and the costs of the petition may be awarded against the respondent, and any other relief, that the Court might think fit, may be granted.

Your humble petitioner.

VERIFICATION

Verified that Clauses (1) to (6) and (8)(c)(1), (10), (11), (12) of the petition are true to my knowledge and clauses (7), (8)(a)(b)(c), (2) & (3) d, e, f, (g), (h), (9), (13) of the petition are correct to the best of my information which I believe to be true, this 12th day of April, 1962 at Delhi.

Attested to be true copy.

12-4-1962.

ANNEXURE C: (Referred to on page 14 of the petition)

ANNEXURE C

Details of vehicles hired and procured by Shri Mahadev Prasad, respondent, and the Congress Assembly candidate Shri Ram Avadh Singh through their agents Ramhit and Abdulla respectively for conveying their voters on the polling day viz. 25th February, 1962 from 8 A.M. to 5 P.M.

Sl. No.	Name and address of owner	Kind of vehicle	Names & addresses of voters	Polling Station to which carried	Engaged by	Amount paid
1	2	3	4	5	6	7
1	Mulloo Banis r/o V. Asuraina, Tola Kukesar, P.S. Naikot, Distt. Gorakhpur.	Bullock cart.	Swaroop & Ram Lakhan and their family voters living in village Asuraina and many others in several trips.	Parsa Mullick	Ramhit r/o Banrasia kalan on behalf of Mahadev Pd. Congress candidate for Parl.	10/-
2	Ram Dayal r/o Vill. Ausrainia, P.S. Naikot, (Gorakhpur).	Do.	Kardaman Chowdhry & Arjun chowdhry and their family voters from village Bishunpura, P.S. Naikot & many others in several trips.	Taraini	Do.	10/-
3	Gappi s/o Sukru r/o Sihorwa, P.S. Hai Kot	Do.	Bhagwati Pathak & Ashghar & their family voters from village Khairati & many others in several trips.	Sihorwa	Do.	10/-
4	Basu s/o Lachman r/o Taraini, P.O. Naikot.	Do.	Bhadur Chowdhry & Hiran-saibh Chowdhry & their family voters & many others in several trips from vill. Bishunpura.	Taraini	Abdulla r/o of Mujahana on behalf of Sri Ram Avadh Singh Congress Assembly Candidate.	10/-
5	Patri s/o Hira r/o V. Taraini, P.S. Yadaraw.	Do.	Kali Prasad Yadav and Ghoosey Yadav & their family voters from Village Ghorahiva and many others in several trips.	Taraini	Do.	10/-

1	2	3	4	5	6	7
6	Jamuna s/o Sahib Dein r/o V. Sikhvani.	Bullock Cart	Raghunandan Misra & Jhinak Tham & their voters from Vill. Sikhvani and many others in several trips.	Taraini	Abdulla r/o of Mujahna on behalf of Sri Ram Avadh Singh Cong. Assembly Candidate.	Rs. 10
7	Jhagroo s/o Jhumiroc r/o Vill. Nautanwa	Rickshaw	Deo Narain s/o Bhagwati and Prag s/o Mahadeo & their family voters r/o Vill. Nautanwa and many others in several trips.	(Nautanwa Inter College.)	Ramhit r/o Banrasia Kalan on behalf of Mahadev P.J.	5
8	Mulhao s/o Bhaggan r/o Bishanpura.	Do.	Ramakant Misra and Manji Bhagat & their family voters from Bishunpura Ward No. 2, and many others in several trips.	Do.	Do.	5
9	Bhoodob r/o Nautanwa.	Do.	Baghwandas and Sahdeo Lal Gupta and Anand Gopal and their family voters from Ward No. 3 and many others in several trips.	Nautanwa Primary School.	Abdulla r/o Mijahna on behalf of Ram Avadh Singh Cong. Assembly candidate.	5
10	Do.	Do.	Bhagoo Jaiswal Mahesh and Ganesh Jaiswal of Bishanpura Ward No. 1 and many others in other trips.	Nautanwa Inter College.	Do.	5
11	Goray Pabri r/o Nautanwa	Do.	Paras Nath and Badal Ram r/o Ghundi & their family voters and many others in several trips.	Do.	Do.	5
12	Do.	Do.	Madan Gopal & Lalit Tiwari r/o Nautanwa Ward No. 3 & many others in several trips.	Nautanwa Primary School.	Do.	

Many other voters at many other polling Stations were carried by bullock carts and they will be produced in evidence.

Verified that the existence, contents of Annexure C to the petition are true to the best of my belief this 12th day of April, 1962, at Delhi.

ANNEXURE D: (referred to on page 14 of the petition).

ANNEXURE D

The items of expenditure omitted by the respondent from his Return of Election Expenses which prove that the account of Election expenses was not kept by the respondent accurately from day to day and the expenditure even exceeded the prescribed limit of Rs. 25,000.

Sl. No.	Date of incurring Expend.	Items of expenditure	Amount of Expenditure	To whom paid	Remarks
1	2	3	4	5	6
1	15-1-62	5 Nomination forms.	Rs. 0.50	Election Officer, Gorakhpur	} The omission of these items of expenditure which are mentioned in the Sales register office of the Election Officer clearly prove that Shri Mahadev Prasad did not keep accurate accounts of his Election expenses from day to day as required by S. 77 Rep. of People Act.
2	17-1-62	4 Nomination forms	0.40	Do.	
3	25-1-62	1 Hand book for candidates	0.75	Do.	
4	28-1-62	Cost of Car No. USR—275	2,600	Do.	} The respondent has not shown a single rupee spent on printing of any kind in his return of Election expenses although he got notice cards and many notices distributed.
5	Do.	Printing of 5 lacs voter cards	1,250		
6	Do.	Printing pictures of Mahadev Pd. with different Congress candidates.	200	Do.	
7	Do.	Printing notices	500		
8	Do.	1500 polling agent forms	15	Do.	
9	17-1-62	Travelling & food expenses of four proposers on nomination day.	25	Do.	
10	22-1-62	Expenses of the same persons on the day of scrutiny of Nomination papers.	25		
11	Not known	Application fee for congress ticket for Parliament.	1,200		
12	Do.	Pay of driver for February	100		
13	Not known	Expenses on 500 polling agents and polling arrangements on the 500 polling stations on the polling day. @ Rs. 20/- per polling station.	10,000		
14	Do.	500 workers food & travel expenditure for day-to-day work from 13-1-62 to 28-2-62.	10,000		

1	2	3	4	5	6
15	Expenditure on meetings during the period 13-1-62 & 28-2-62.		2,000		

Similarly, many other items of expenditure omitted from the return of expenses by the respondent.

TOTAL 27,866.65

As the respondent has not shown any expenses incurred on any item mentioned above, expenditure has been estimated. The expenses made on hiring bullock carts and other vehicles to convey voters and payment made to the Bhandara of Baba Mohandas on 25th January, 1962 are illegal and cannot be estimated. But it is obvious that the election campaign was conducted on a grand scale and the expenses exceeded much beyond the prescribed limit of Rs. 25,000 only. In any case, the fact that the account was not kept accurately from day to day is fully proved.

Verified that the existence, contents of Annexure D to the petition are true to the best of my belief this 12th day of April, 1962, at Delhi.

(No. 82/304/62.)

New Delhi, the 8th May 1962

S.O. 1544.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 339 of 1962 presented to the Commission on the 23rd April, 1962, under section 81 of the said Act, by Shri N. Dandekar, "South Lands", 177, Upper Colaba, Bombay-5, calling in question the election to the House of the People from the Gonda constituency of that House of Shri Ram Ratan Gupta "Behari Niwas" Dwarkadheesh Road, Kanpur.

BEFORE THE ELECTION COMMISSION OF INDIA

Election Petition No. 339 of 1962

Shri N. Dandekar, "Southlands", 177, Upper Colaba, Bombay-5—*Petitioner.*

vs.

- | | | |
|--|---|---------------------|
| <ol style="list-style-type: none"> 1. Shri Ram Ratan Gupta, "Behari Niwas", Dwarkadheesh Road, Kanpur. 2. Mahant Shri Hem Raj Gir, Gonda. Village Mathiya Gird Gonda, P.O. Babuni Kanungo, District Gonda. 3. Shri M. K. Sinha, Village Ganeshpur, P.O. Bahramghat, District Barabanki. | } | <i>Respondents.</i> |
|--|---|---------------------|

Election Petition under Section 81 of the Representation of the People Act, 1951. (hereinafter referred to as "the Act") in respect of the Election to the House of the People (Lok Sabha) from the 34-Gonda Parliamentary Constituency, District Gonda, in the State of Uttar Pradesh.

Date of Notification (Under Section 14 of the Act); 13th January 1962.

Date of Poll; February, 19th, 21st & 23rd, 1962.

Date of Declaration of Result (Under Section 68 of the Act); 11th March 1962.

The humble petition of Shri N. Dandekar the above named Petitioner most respectfully showeth as follows:—

INTRODUCTORY

1. That at the General Elections held in February-March 1962, the Petitioner and the Respondents Nos. 1 to 3 were the four contesting candidates for election to the House of People (Lok Sabha) from No. 34—Gonda Parliamentary Constituency, in District Gonda, in the State of Uttar Pradesh.

2. That the extent of the said Parliamentary Constituency expressed in terms of Assembly Constituencies (hereinafter referred to as "Assembly Segments") was such that it was comprised of five Assembly Segments, namely (i) Mankapur, (ii) Mahadeva, (iii) Gonda-North, (iv) Gonda-East and (v) Gonda-West.

3. That Shri C. M. Nigam, I.A.S., District Magistrate and Collector (Deputy Commissioner) of Gonda, was the Returning Officer of the said Parliamentary Constituency. He was assisted by—

- (i) Shri S. R. Misra who, as the Returning Officer of the Mankapur Assembly Constituency, was also the Assistant Returning Officer of the aforesaid Parliamentary Constituency in respect of its Mankapur Assembly Segment.
- (ii) Shri D. S. Shukla who, as the Returning Officer of the Mahadeva Assembly Constituency, was also the Assistant Returning Officer of the aforesaid Parliamentary Constituency in respect of its Mahadeva Assembly Segment.
- (iii) Shri R. P. Singh who, as the Returning Officer of the Gonda-North Assembly Constituency, was also the Assistant Returning Officer of the the aforesaid Parliamentary Constituency in respect of its Gonda-North Assembly Segment.
- (iv) Shri A. S. Misra who, as the Returning Officer of the Gonda-East and Gonda-West Assembly Constituencies, was also the Assistant Returning Officer of the aforesaid Parliamentary Constituency in respect of its Gonda-East and Gonda-West Assembly Segments.
- (v) Shri R. B. Johri, the District Election Officer, Gonda.

THE CONTESTING CANDIDATES

4. That the Petitioner contested the Election as a Swatantra Party Candidate with the "STAR" as his Election Symbol.

5. That Respondent No. 1 contested the Election as a Congress Candidate with "TWO BULLOCKS WITH YOKE ON" (hereinafter referred to as the "BULLS") as his Election Symbol.

6. That Respondent No. 2 contested the Election as a Hindu Mahasabha candidate with the "HORSE & RIDER" (hereinafter referred to as the "HORSE") as his Election Symbol, while Respondent No. 3 contested the Election as a Socialist candidate with the "TREE" as his Election Symbol.

7. That a fifth candidate Shri Chandra Bhan Dutt Ram Pande (Raja of Dhanepur, District Gonda), who had filed his nomination as a Jan Sangh candidate, withdrew his candidature on the last date allowed for such withdrawal.

8. That while there were, thus, four contesting candidates for the election to the Lok Sabha from the aforesaid Parliamentary Constituency, the real contest was almost entirely between the Petitioner and Respondent No. 1.

THE ELECTION CAMPAIGN

9. (i) That the Petitioner's election campaign was launched early in December 1961 by Shri C. Rajagopalachari, the founder of Swatantra Party.

(ii) That the Petitioner had the support of five "base candidates" of the Swatantra Party (all of them having the "STAR" as their Election Symbol), who stood for election to the Uttar Pradesh Legislative Assembly (Vidhan Sabha) from the same five Assembly Constituencies which constituted the five Assembly Segments of the aforesaid Parliamentary Constituency. The said five candidates were:—

Name of contesting candidate for Vidhan Sabha	Assembly Constituency from which contested
Shri Raghavendra Pratan Singh, M. L. A. (Raja of Mankapur)	165—Mankapur
Shri Ragho Ram Pande, M. L. A.*	166—Gonda-East
Shri Naurang Singh, M. L. C.	167—Gonda-North
Captain Ram Garib, M. P.*	168—Gonda-West (Schedule Caste)
Shri Baldeo Singh, M. L. A.*	172—Mahadeva

* Defeated in the Election.

(iii) That in the second week of February, 1962, Shri K. M. Munshi, another leader of the Swatantra Party addressed several public meetings within the above Assembly and Parliamentary Constituencies in support of the Petitioner and the above five supporting Assembly candidates of the party.

10. (i) That for quite some time, the Congress Party could not find any suitable candidate to contest the Lok Sabha election against the Petitioner from the aforesaid Parliamentary Constituency. It was reported that the sitting M.P., Shri Dinesh Pratap Singh (Raja of Kasamanda, District Sitapur), who had been elected in 1957 by a narrow majority, declined to contest from this Constituency again; and that the U.P. Congress Parliamentary Board was unable to suggest any other candidate, even when it announced the names of the five Congress Candidates to contest the Vidhan Sabha seats from the aforesaid five Assembly Constituencies comprised within the aforesaid Parliamentary Constituency.

(ii) That it was not until the first week of January 1962 that the Central Congress Parliamentary Board announced the name of a candidate for the aforesaid Parliamentary Constituency. He was Respondent No. 1, reputed to be a wealthy industrialist and businessman of Kanpur, with considerable experience of U.P. politics and a good deal of influence in the right places, besides being a close personal friend of Shri C. B. Gupta (the Chief Minister of U.P.), and hence thought likely to have the best chance of winning against the Petitioner.

(iii) That accordingly, in the second week of January 1962, Respondent No. 1 was publicly launched at Gonda as the Congress Candidate for election to the Lok Sabha from the aforesaid Parliamentary Constituency. For this purpose the Chief Minister of U.P. personally visited Gonda, accompanied by Respondent No. 1, and held a meeting of Congress workers and sympathisers at the P.W.D. Inspection Bungalow, with the District Magistrate and the Superintendent of Police also present. On the same day, "Balrampur Kothi" (a Govt.-owned building at Gonda intended to house the Girls High School) was let out to Respondent No. 1 for establishing his Election Campaign Headquarters at Gonda and to serve also as a place of residence for himself and his numerous staff. Arrangements were also made under official auspices for the prompt installation of all necessary facilities and amenities such as Electricity, Telephone etc.; and within a week, a large body of staff, attendants and workers arrived from Kanpur and elsewhere, with a fleet of motor vehicles some of them belonging to (and said to be hired from) the Government of U.P.

(iv) That in support of the candidature of Respondent No. 1, canvassing was done and several public meetings were addressed during January and February 1962 at Gonda and elsewhere in the aforesaid Parliamentary Constituency by Shri A. P. Jain (the President of the U.P.C.C.), Shri C. B. Gupta (the Chief Minister) and some other Ministers of the U.P. Government.

(v) That on 1st February 1962 Shri Jawaharlal Nehru, the Prime Minister of India, himself visited Gonda District and addressed public meetings at Babhanan, Mankapur and Gonda in support of Respondent No. 1. In his speeches the Prime Minister specifically launched a personal attack against Shri Raghavendra Pratap Singh (The Raja of Mankapur) who was the principal local supporter of the Petitioner. Copies of two Press Reports of the speech so made by the Prime Minister at Mankapur are hereto attached (marked ANNEXURE I-A and I-B respectively) being the reports appearing in the Newspapers "National Herald" and "Pioneer", respectively. These speeches were so mischievous in their effect that the Petitioner felt compelled to protest to the Election Commission concerning them. A copy of the telegram sent by the Petitioner to the Election Commission in that behalf is hereto attached marked ANNEXURE I-C.

11. That the effect of the very powerful support extended at the highest levels to Respondent No. 1 in the manner described above and in other numerous ways was, *inter alia*, to impress upon all officials and non-officials alike that, for the Congress Party as well as for the Central Government and the State Government of U.P., the Gonda Parliamentary Constituency was an important "prestige seat" which must be won by Respondent No. 1 at any cost.

12. That at this time and throughout the period relevant to the election from the aforesaid Parliamentary Constituency, the Deputy Commissioner and the District Magistrate of Gonda District who was also the Returning Officer of the aforesaid Parliamentary Constituency, was Shri C. M. Nigam, I.A.S. who, though ranking high by seniority in service, was nevertheless holding this comparatively junior post and had serious charges then pending against him. Throughout the

election and for some months prior to it, an official inquiry had been in progress against him in respect of certain alleged misdemeanours in the course of his official conduct.

POLLING

13. That Poll for election to the Vidhan Sabha and Lok Sabha was simultaneously taken in the various Assembly Constituencies and Assembly Segments of the aforesaid Gonda Parliamentary Constituency as follows:—

Assembly Constituency (Parliamentary Constituency— Assembly Segment)	No. of Polling Stations	Date of Poll
Gonda-North	90	19-2-1962
Gonda-East	88	21-2-1962
Mankapur	94	21-2-1962
Gonda-West	86	23-2-1962
Mahadeva	90	23-2-1962

14. That Polling Stations were usually grouped in twos, and sometimes in threes and fours, at the same location; and at every Polling station the essential features of the procedure adopted for recording votes was as follows:

- (i) Each voter was supplied with two ballot papers: one pink in colour, for recording his vote in the Assembly election; and the other white in colour, recording his vote in the Parliamentary election. The white ballot paper was, however, supplied only after the voter had first recorded his vote on the pink ballot paper and dropped it into the ballot box.
- (ii) The actual recording of the voter's vote on each ballot paper was done by the voter behind a small screened enclosure situated within the polling booth; and he did so by affixing, by means of a rubber stamp (officially supplied to the voter along with the ballot paper), the official voting mark on the ballot paper on or near the name or the symbol of the candidate of his choice, both of which were printed on the ballot paper.
- (iii) For this purpose, every Polling Station was equipped with two or three officially provided rubber stamps bearing the voting mark and an ink-pad, together with a supply of ink.
- (iv) Only one ballot box was used at a time for dropping in both the ballot papers supplied to a voter, and a second ballot box was brought into use only after the first was filled up with ballot papers dropped into it by voters.

15. That all the ballot boxes, after being collected at the close of the poll, were placed in the custody of the respective Returning Officers of the Assembly Constituencies (who were also the Assistant Returning Officers for the corresponding Assembly Segments of the Parliamentary Constituency).

16. That the table below shows the dates, time and places which had been notified by the Returning Officer for counting the votes polled in the 34-Gonda Parliamentary Constituency:—

Assembly Segment of the Parliamentary Constituency	Date and time as notified	Place of Counting
Gonda-East	27-2-1962 at	10 A.M. Combined Office Collectorate, Gonda
Gonda-North	27-2-1962 at	10 A.M. Collectorate, Gonda]
Gonda-West	28-2-1962 at	8 A.M. Combined Office Collectorate, Gonda

Assembly Segment of the Parliamentary Constituency	Date and time as notified		Place of Counting
Mankapur	28-2-1962 at	8 A.M.	Collectorate Gonda
M ahadeva	28-2-1962 at	8 A.M.	Meeting Hall Collectorate, Gonda
Postal Ballot Papers of entire Parliamentary Constituency	28-2-1962 at	about 10 P.M.	Collectorate, Gonda
consolidation of the results of the Poll at all Polling Stations	28-2-1962 at	about 10 P.M.	Collectorate, Gonda

17. That the same programme as above was also notified by the A.R.Os concerned in their capacity as the Returning Officers for counting of votes in their respective Assembly Constituencies except in the matter of counting of postal ballot papers which in each case, was to follow immediately after counting of the votes cast in ballot boxes.

SCRUTINY AND COUNTING (First Day)

18. That on 27th February, as per schedule, the counting of the Vidhan Sabha (Assembly) votes and the Lok Sabha (Parliamentary) votes of the Gonda-East Assembly Constituency and the corresponding Assembly Segment of 34-Gonda Parliamentary Constituency commenced simultaneously at 10 A.M. in a hall set apart for the purpose; and that of the Gonda-North Assembly Constituency and the corresponding Assembly Segment commenced simultaneously in a Shamiana (enclosed by Kanats) pitched for the purpose in the compound of the Collectorate.

19. That the arrangements for counting votes in each of the said premises were as follows:—

- (i) There were sixteen Counting tables so arranged (in convenient rows) as to be clearly visible at all times to the Assistant Returning Officer, who sat at a separate main table and presided over the counting (assisted by an officer of the rank of Tahsildar).
- (ii) At each counting table there were two counting clerks and one counting supervisor (all of them being Government servants); and they were provided with an appropriate number of paper-trays and other requisite stationery, and equipment, including copies of detailed instructions by which they were to be guided in the matter of opening of ballot boxes, scrutiny of ballot papers and the counting of votes.
- (iii) There were also present six duly authorised Counting Agents for each of the four contesting Parliamentary candidates, plus as many again for each of contesting Assembly candidates.

20. That the procedure adopted before the commencement of the actual counting of votes in each of the said premises was as follows:—

- (i) The official counting staff were seated at their respective tables, the same being serially numbered 1 to 16. The A.R.O. then demanded the duplicates of the appointment forms (Form 18) concerning the Counting Agents of each contesting candidate (both Parliamentary and Assembly candidates); and on them he obtained, in his presence, the signatures of the Counting Agents themselves. Thereafter the Counting Agents were supplied with paper badges to wear.
- (ii) The entire staff of counting Clerks and Supervisors were likewise issued with paper badges; and at each premises there were a few other persons (all of them Government servants) working as additional clerks, attendants, peons, water-carriers etc., who were also supplied with paper badges. Police were posted at all entrance and exit points with strict orders not to admit any person not wearing the official badge.
- (iii) Before any ballot boxes were brought to the tables, instructions regarding scrutiny and counting were thoroughly explained to the counting staff. It was pointedly brought to their notice that all ballot papers

bearing doubtful votes, including all those challenged by any Counting Agent, should be placed in the separate tray supplied to them for that purpose. It was also carefully explained to them how rejectable ballot papers were to be determined with the aid of a printed chart supplied to the Returning Officer. Counting Agents were also instructed that they could assist the staff by spotting doubtful ballot papers and to see that they were placed in the tray intended for the purpose and brought to the A.R.O.'s table for further scrutiny and decision.

21. That the preliminary arrangements and briefing referred to in paras 19 and 20 above took about two hours and the actual counting began only at about 12 noon. The procedure adopted for the actual counting was as follows:—

- (i) The ballot boxes were placed on the counting tables in the order of the serial number of the tables and of the corresponding serial number of the polling station, so that counting table Nos. 1 to 16, respectively, received the ballot boxes of the corresponding Polling Stations Nos. 1 to 16 in the first round of counting, Nos. 17 to 32 in the second round of counting, No. 33 to 48 in the third round, and so on until all the ballot papers in all the ballot boxes of all the Polling Stations were counted.
- (ii) The seals of the ballot boxes were duly shown to, and inspected by, the Counting Agents before being opened. Throughout the counting on the first day no complaint was found, nor brought to the notice of any of the staff or the officer, about the breaking or tampering of any seal on any ballot box.
- (iii) At each table the contents of the ballot box (or boxes) were then taken out and placed on the table. Ballot papers were first separated, the pink from the white, and then carefully unfolded in full view of the Clerks and Counting Agents.
- (iv) The valid ballot papers were then sorted out and put into the separate trays of the respective candidates for whom they were to be counted as valid votes, and all doubtful papers were put into a separate tray for further scrutiny and decision by the A.R.O. The Counting Agents of candidates were particularly vigilant to see that valid ballot papers of the different candidates did not get mixed up and that no doubtful paper was placed in the tray of any candidate.
- (v) After such sorting, the entire lot of doubtful papers was taken to the Assistant Returning Officer, who then re-scrutinised them and took a decision as to their validity or invalidity after giving the Counting Agents an opportunity always of inspecting them. In regard to those ballot papers which he held to be valid, he also instructed the Supervisor as regards the particular candidate for whom they were to be counted as valid votes.
- (vi) Thereafter, on the reverse of the ballot papers rejected by him, the A.R.O. affixed by means of a rubber stamp an appropriate endorsement, reading either 'R.M.V.' (rejected for multiple voting), or 'R.N.M.' (rejected for no marking), or 'R.M.B.A.' (rejected for marking in blank areas of the ballot paper) etc., indicative of the ground for rejection; and he also initialled all such stamped endorsements. Sometimes the A.R.O. took the assistance of a Clerk to affix the said stamped endorsements on groups of rejected ballot papers previously sorted out by him (the A.R.O.) as above and as indicated by him but in each and every such case the decision was taken by the A.R.O. himself and, in proof thereof, the ground for rejection on every rejected ballot paper so stamped by the Clerk was also duly initialled by the A.R.O.
- (vii) In this way, at each counting table, the valid votes and the rejectable ballot papers coming out of every ballot box assigned to that table for scrutiny and counting were separated, scrutinised, sorted out, and rejected (when invalid) or counted as valid votes for the candidate concerned.
- (viii) After thus scrutinising, sorting and counting the valid votes and the rejected ballot papers at each counting table, the valid votes of each candidate were put together and stitched in bundles of 50, a separate similar bundle being made of the rejected ballot papers also. The Supervisor then filled in the ballot paper account, and deposited it at

the table of the Assistant Returning Officer along with the bundles of valid votes of each candidate and the bundle of rejected papers. The Returning Officer would then get the counting re-checked, either at his table or by his side under his supervision.

- (ix) In the process of scrutiny, checking, sorting and counting at the counting tables as above under more than a dozen watchful eyes, and of re-checking and re-counting at the Officers' table, again under more than a dozen watchful eyes, the possibility of any obvious mistakes (e.g. valid votes being rejected and so included in the bundles of rejected papers, or rejectible ballot papers being counted as valid votes and so tied up in any candidate's bundles) was almost wholly negatived.
- (x) As the counting of votes cast at each Polling Station was thus finally concluded, the figures were entered in the Result Sheet (Form 20); and the counted and sorted bundles of ballot papers of each Polling Station were then passed on to other Clerks for being packed flat in single packets (one for each Polling Station), the same being then labelled and signed by the A.R.O., after which they were sealed.
- (xi) On the completion of one entire round of scrutiny and counting of the votes and ballot papers from the ballot boxes of sixteen Polling Stations (Nos. 1 to 16) in the manner described above, the ballot boxes of the next sixteen Polling Stations (Nos. 17 to 32) were then issued in that order to counting tables Nos. 1 to 16 respectively; and then the same process as is described above, of separation, scrutiny, sorting, rejection and marking of invalid ballot papers, and counting of valid votes secured by each candidate etc., was gone through for the second round.
- (xii) And so the process went on, round after round, until all the ballot papers and all the valid votes in all the ballot boxes of all the Polling Stations in each of the Assembly Segments had been separated, scrutinised, sorted out, rejected where necessary or counted as valid votes for the candidates concerned.
- (xiii) The first round of counting required about two hours and was completed about 2.00 p.m. The subsequent rounds took about $1\frac{1}{2}$ to $1\frac{3}{4}$ hours each, with the result that the entire counting in both Assembly Segments was completed by about 11:00 p.m. in so far as the counting of the *Parliamentary votes* was concerned. (As regards the counting of the *Assembly votes*, however, the end-process, such as the counting of the Postal Ballot, the over-all tabulation and reconciliation, the formal declaration of the result of the election and the issue of Certificate of Election to the winning candidate, took another two hours or more to complete).

22. (i) That the whole process of counting was thus well organised and very much under control. Throughout the counting, the Returning Officer of the Parliamentary Constituency (Shri Nigam) did not find it necessary to come personally to the counting even for a minute; he was doubtless fully satisfied that the A.R.O.s and the staff under them had been conducting the operation with all necessary efficiency and despatch.

(ii) It is most significant to note that at no time throughout the entire counting of these two Assembly Segments were there, in respect of any of the 178 Polling Stations comprised therein, any complaints of any kind whatsoever, whether oral or written, by any of the contesting candidates or their Election Agents, or by any of their Counting Agents, alleging any irregularities or lapses on the part of any member of counting staff or officers, or otherwise.

CUSTODY OF COUNTED BALLOT PAPERS (First day).

23. That at the close of the counting, the sealed packets of the used and counted Parliamentary ballot papers relating to Gonda-East Assembly Segment, together with the relevant ballot paper accounts, were placed in a gunny bag; and those of Gonda-North Assembly Segment were placed in empty ballot boxes. But the Returning Officer of the Parliamentary Constituency (Shri Nigam) did not affix his own seal either on the packets or on the gunny bag or ballot boxes. The Assistant Returning Officers did not also afford any opportunity to the candidates or their Election Agents to affix their own seals or signature, nor were they told they had, or could avail themselves of, any such right.

24. That the Returning Officer of the Parliamentary Constituency (Shri Nigam) also took no steps to ensure that during the break that occurred between the completion of the counting in the above two Assembly Segments and the completion of counting in the remaining three, the packets or used and counted ballot papers were placed in his own or in any other proper safe custody. On the contrary, the Gunny Bag containing counted packets of ballot papers of Gonda-East Assembly Segment and the ballot boxes containing such papers of Gonda-North Assembly Segment were allowed to lie uncared for in the Court Rooms of the respective A.R.Os. The doors of these rooms were also not sealed with the seals of either the Returning Officer or the A.R.O. concerned.

25. That from the counting thus far completed and tabulated in Form 20, it was known to everybody concerned that Respondent No. 1 was ahead of the Petitioner by 3,451 votes in the Gonda-East Assembly Segment and by 1,008 in the Gonda-North Assembly Segment.

SCRUTINY AND COUNTING (Second day).

26. That the counting of the Parliamentary votes re-commenced on February 28, 1962; and as per schedule (vide paragraph 16 above) the ballot papers of the remaining three Assembly Segments were taken up for scrutiny and counting from 8 a.m. on that day.

27. That all the necessary formalities and precautions to ensure careful sorting and scrutinizing of ballot papers, proper rejections of invalid papers and the correct counting of the valid votes secured by each of the contesting candidates were taken at such re-commenced counting; and the arrangements made and the procedure then adopted were exactly the same as those described in paragraphs 19 to 21 above.

28. (i) That on 28-2-1962 the counting of the Parliamentary votes in Gonda-West Assembly Segment of the Gonda Parliamentary Constituency finished at about 8.00 p.m. This operation, too, was conducted with efficiency and despatch, without any objections or complaints of any kind whatsoever whether oral or written, being raised or made by any of the contesting candidates or their Election Agents or by any of their Counting Agents, alleging any irregularities or lapses on the part of any member of the counting staff or officers, or otherwise.

(ii) It was then known that Respondent No. 1 had, in this Assembly Segment alone, gained a further lead over the Petitioner of 4,187 votes, over and above the lead of 4,459 votes he had already secured on the previous day.

29. That at about that time, judging by the progressive results of the counting then proceeding of the votes cast in the Mahadeva Assembly Segment, Respondent No. 1 was ahead of the Petitioner in that Assembly Segment also by about 3,000 votes.

30. That at about 9.00 p.m. the Respondent No. 1 arrived at the Shamlana where the counting of the Mankapur Assembly Segment was going on and where the Petitioner had a substantial lead over Respondent No. 1; but the extent of that lead was not then sufficient to overtake the latter's aggregate lead in the other four Assembly Segments.

31. That Respondent No. 1 was soon followed into the Shamlana by the Returning Officer (Shri C. M. Nigam) and the District Election Officer (Shri R. B. Johri). They sized up the position; and under instructions from the R.O., the D.E.O. directed the A.R.O. (Shri S. R. Misra) who was supervising the counting in the Mankapur Assembly Segment to hurry up with the counting and first tabulate the result sheet of Parliamentary votes, as the result of the Lok Sabha election had to be declared by the R.O. that very night according to the notified programme.

32. That thereafter, however, by about 10.00 p.m. or so, the tables began to turn against Respondent No. 1.

(i) The counting and the tabulation in the Mahadeva Assembly Segment had by then been finalised; and the result was that the final lead of the Respondent No. 1 over the Petitioner in that Segment was only 2,824 votes. Here, too, the counting operation had been conducted with great efficiency and despatch. And there were no complaints of any kind whatever, whether oral or written, by any of the contesting candidates or their Election Agents or by any of their Counting Agents alleging any irregularities or lapses on the part of any member of the counting staff or officers, or otherwise.

- (ii) In the Mankapur Assembly Segment, however, the position of Respondent No. 1 showed signs of definite and serious decline to such an extent that the chances of Respondent No. 1's eventual success now seemed doubtful.
- (iii) Thereupon, the Returning Officer (Mr. Nigam) and the District Election Officer (Mr. Johri), who had been waiting to take steps towards the declaration of result of the Parliamentary election that same night, left the place; and so did Respondent No. 1.

33. That as counting in Mankapur Assembly Segment proceeded, the position of Respondent No. 1 steadily deteriorated towards certain defeat. It is pertinent to mention at this stage that except for a very minor objection raised by the Election Agent of Respondent No. 1 very early in the day (at 10.20 a.m.) and disposed by the A.R.O. in writing then and there (*vide* copies of the objection and the A.R.O.'s order thereon attached hereto, marked ANNEXURES II-A and II-B), the counting operation in this Assembly Segment had also been conducted with great efficiency and despatch. And until about 10.40 p.m. there were, in fact, no further objections or complaints of any kind whatsoever, raised orally or in writing, by any of the contesting candidates or their Election Agents or by any of their Counting Agents, alleging any irregularities or lapses by any of the counting staff or officers, or otherwise. But after 10.40 p.m., however, there occurred three moves in quick succession:—

- (i) At about 10.45 p.m. an application (signed by Respondent No. 1) was presented by his Election Agent before the A.R.O. in charge of the counting of the Mankapur Assembly Segment, for re-scrutiny and re-checking of all the ballot papers counted so far. The application was rejected by A.R.O. at 11.30 p.m. in writing, after dealing with each ground in detail. Copies of the application and of the order passed thereon by A.R.O. are attached hereto (marked ANNEXURES II-C and II-D respectively).
- (ii) At midnight when the counting in this Segment was over and figures were being tabulated for the last round of counting, and when it was clear that the Petitioner had won the election by an overall majority of about 1,600 votes (excluding the small Postal Ballot), the Election Agent of Respondent No. 1 presented another application to the A.R.O. for *postponing* further operations until next morning and requesting that the votes in this Assembly Segment be then re-counted. This too was refused by the A.R.O. in writing. Copies of the application and of the order passed thereon by the A.R.O. are attached hereto (marked ANNEXURES II-E and II-F respectively).
- (iii) Soon thereafter, the Returning Officer (Mr. Nigam) himself sent a note to the A.R.O. from his bungalow stating (in flat contradiction of his own earlier instructions given through the District Election Officer, Mr. Johri) that he would count the Postal Ballot Papers the next day and would declare the result of the Parliamentary election thereafter.

CUSTODY OF COUNTED BALLOT PAPERS (Second day).

34. That the Returning Officer (Mr. Nigam), even when he thus illegally caused a break in the continuity of the counting against his own earlier instructions (para. 31 above) and contrary to the previously notified programme (para. 16 above), did not take any steps to ensure that the used and counted ballot papers in respect of all the five Assembly Segments were placed in his own official custody and with his own seals affixed thereto. He (as well as the A.R.Os) also did not inform any of the contesting candidates or their Election Agents that they could if they were so minded fix their own seals and signatures on either the packets or on the containers in which such packets had been placed. The R.O. thus committed a breach of Rule 60 of the Conduct of Election Rules, 1961, in all essential matters.

35. That on the night of the 28th February, the Petitioner himself was in Delhi, where he had gone to fulfil an important private engagement; and it was there that he was briefly informed of the foregoing odd developments at a late hour during the night by a telephone call from his Election Agent at Gonda.

36. That on the following morning (from Delhi itself) the Petitioner addressed a letter to the Chief Election Commissioner, New Delhi, informing him very briefly of the above developments on the night of February 28th; and he then departed by the morning plane from Delhi to Lucknow en route to Gonda. A copy of the said letter is attached hereto (marked ANNEXURE III).

RECOUNT ORDERED

37 That the Petitioner arrived at Gonda at about 1.30 p.m. on 1st March and proceeded straight to the Office of the Returning Officer. There the R.O. (Mr. Nigam) totalled up the result sheets of the Parliamentary election in Form 20; he then opened scrutinised and counted the postal ballot and entered the result thereof also in the result form. And he announced the total voting figures as follows —

Candidate	Votes Secured
Petitioner	82,478
Respondent No 1	80,902
Respondent No 2	27,460
Respondent No 3	7,676
(Rejected)	7,706)

38 That at this stage the Election Agent of Respondent No 1 presented an application (dated 28-2-1962) before the Returning Officer praying for a re-count on various grounds, particularly as regards Gonda North and Mankapur Assembly Segments. A copy of the application is annexed herewith (marked ANNEXURE IV)

39 That on this the Returning Officer did not make any inquiry at all from any of the four Assistant Returning Officers who had presided over the first counting as to whether there was any truth at all in Respondent No 1's allegations in the application and/or whether there was even a remote possibility of any errors in the counting, enormous in magnitude as they were alleged to be. The Returning Officer merely heard the Petitioner and Respondent No 1, and brushing aside the fact that, in the counting of four Assembly Segments, no objections at all had been raised by any of the contesting candidates (or their Election Agents or Counting Agents), and that in the counting of the fifth Assembly Segment (Mankapur) all objections raised belatedly by Respondent No 1 had been fully considered by the A.R.O. in detail and dismissed in writing, he allowed the prayer for re-count in a manner and in terms (*vide* second paragraph of his order) plainly indicating that Respondent No 1 got what he wanted for the mere asking and regardless of the substantive merits of the matter. A copy of the Returning Officer's order allowing re-count is attached hereto (Marked ANNEXURE V). In clarification of his Order, the Returning Officer orally explained that it would extend to *all* the five Assembly Segments.

40 That subsequently the Petitioner learnt that during the night of 28th February after it became clear that Respondent No 1 was losing the election, he and the Returning Officer (Mr. Nigam) were continuously in touch with each other and probably also with the State Headquarters in Lucknow.

41 That, fortuitously, the Election Agent of one Shri A. B. Vajpayee (Jan Sangh), who had also been defeated on the same day by Smt. Subhadra Joshi (Congress) in the election to the Lok Sabha from No. 33—Balrampur Parliamentary Constituency, in Gonda District, also presented an application on the morning of 1-3-1962 to the same Returning Officer (Mr. Nigam) at his residence for re-counting of the votes cast in that Parliamentary Constituency, and the same was allowed by the R.O. in the forenoon of that day.

42 That the order to re-count in the Petitioner's case, covering as it did *all* the Assembly Segments, was wholly without merit or justification. Nowhere in India, in any Parliamentary Election contest, had an application for re-count been allowed on such flimsy grounds without inquiry, covering the *entire* Parliamentary Constituency and despite such a large margin of votes in favour of the winning candidate, as in the case of 34 Gonda Parliamentary Constituency.

PROTEST OVER-RULED

43 That on the evening of 1st March 1962, the Petitioner rushed back to Delhi to apprise the Election Commission of what had transpired.

44 That meanwhile, at about 3 p.m. that day, the Petitioner had requested the Returning Officer to place the packets of used and counted ballot papers in proper safe custody. But although the R.O. then undertook to do so at once, the

request was not heeded to until about 8.00 p.m. that night; even then the bags were stored, not in the Treasury Strong Room, but in the Armoury Strong Room. (Subsequent inquiry disclosed that this too was not proper safe custody).

45. That on 2nd March 1962 at 3.30 p.m. the Petitioner appeared before the Chief Election Commissioner at New Delhi in person and pleaded that the Returning Officer's order to re-count should be countermanded as bad in law and unjust on merits.

46. That, meanwhile, the re-count of votes of the 33-Balrampur Parliamentary Constituency ought to have commenced in the afternoon of 1st March, or at least at 10 a.m. on 2nd March 1962. It was not commenced. Instead, the Returning Officer, on his own motion, stayed that re-count on the application of Smt. Subhadra Joshi to enable her to make a representation on the subject to the Election Commission.

47. That the Chief Election Commissioner indicated to the Petitioner late on the evening on 2nd March that he would himself proceed to Gonda on March 5th and that meanwhile he would direct that until then the re-count in both Parliamentary Constituencies would remain stayed.

48. That thus, from the afternoon of 1st March upto the time of receipt of 'stay' intimation from the Election Commission on 3rd March, the Returning Officer took no steps to commence recounting in 33-Balrampur Parliamentary Constituency. His refrainment had the effect of gaining time and opportunity for respondent No. 1 to complete (or create) some mischief with the counted ballot papers of 34-Gonda Parliamentary Constituency.

49. That the Chief Election Commissioner visited Gonda on 5th March 1962 and heard the parties at a public hearing. The Petitioner urged during the course of his submission before the C.E.C. that the R.O.'s order to re-count was bad in law and unjustified on merits; he further urged that while he did not object to re-counting *per se*, such "recount" should not include "re-scrutiny" because he was afraid, not of the re-count, but of the re-counters.

50. That the C.E.C. eventually declined to interfere with the R.O.'s decision to order a re-count in either of the two Parliamentary Constituencies. (The Petitioner is now advised that the Election Commission had probably no legal power to intervene in the matter). It was decided by lot that the re-counting of Balrampur would be taken up first.

51. That the re-count of 33-Balrampur Constituency began on the afternoon of 5th March in the presence of the C.E.C. (who stayed in Gonda upto the afternoon of March 8th). The re-count was concluded on March 7th, with a declaration in favour of Smt. Subhadra Joshi, the candidate who had won at the first count.

52. That the said re-count showed a net difference of only one vote compared with the original count in a total voting of about two lakhs and forty-six thousand. Thus, the re-count resulted in merely increasing by one vote the large margin of over 2,000 votes by which the lady had won on first count.

RE-SCRUTINY AND RE-COUNTING (First day).

53. That the re-count of votes in respect of Petitioner's Parliamentary Constituency (34-Gonda) commenced on March 9th, 1962, at 11.30 a.m. in the presence of the Deputy Chief Election Commissioner (Shri P. S. Subramanian) who had been specially deputed for the purpose by the Election Commission, presumably to supervise the process of re-count and, if occasion demanded, to issue appropriate directions to the Returning Officer.

54. That at the close of the day, recounting of the entire Mankapur Assembly Segment and of 70 polling stations of Mahadeva Assembly Segment was completed.

55. That at that time the Petitioner came to learn that on March 8th and 9th, 1962, there had occurred some movement of bags containing packets of counted

ballot papers from Gonda Treasury. He therefore requested, and was granted permission to inspect the bags and the ballot boxes containing the packets of counted ballot papers still to be recounted (pertaining to Gonda-East, Gonda-West and Gonda-North Assembly Segments). And these he then inspected in the Treasury Strong Room along with Respondent No. 1. Upon inspection, while the Petitioner could see no outward signs of the said bags and ballot boxes having been tampered with, he noted on inspecting the relevant Register in the Treasury that:—

- (a) bags and ballot boxes containing packets of used and counted ballot papers could, and did, move from the Armoury Strong Room to the Treasury Strong Room, and *vice versa*, without any record being kept of such movements;
- (b) a large number of such bags had gone out of the Treasury on the afternoon of 8th March (which was a public holiday for 'Id' festival);
- (c) a number of such bags had come into the Treasury on the morning of 9th March; and
- (d) on none of these occasions was the Petitioner or his Election Agent notified to be present if so desired, despite a standing request to that effect which the Petitioner's Election Agent had in fact addressed in writing to the R.O. some days earlier.

56. That on March 10th, the votes cast in the remaining Polling Stations of Mahadeva Assembly Segment and in the entire Gonda-North Assembly Segment were re-counted before the lunch-break.

57. That the net effect of the re-count of the three Assembly Segments (namely Mankapur, Mahadeva and Gonda-North) completed so far was a difference of only 3 votes compared with the original count; and that, too, was in favour of the Petitioner.

Assembly Segment	Original Count		Re-count	
	"BULLS"	"STAR"	"BULLS"	"STAR"
Mankapur	19,706	32,759	19,643	32,736
Mahadeva	18,752	15,928	18,748	15,904
Gonda North	14,069	13,061	14,046	13,021
	52,527	61,748	52,437	61,661
Difference in favour of		9,221		9,224

The total votes polled in these three Segments (including rejected ballot papers) were 1,34,056.

58. That after lunch-break on March 10th, re-counting of votes in Gonda-East Assembly Segment of the Constituency in question was commenced. During the second round, when Polling Stations Nos. 17 to 32 were being re-counted two extraordinary abnormalities were disclosed. In Polling Stations Nos. 24, 27 and 28 it was found that, in the bundle of rejected ballot papers, many of the ballot papers previously rejected on account of their bearing no voting mark at all, or because they bore voting marks on blank areas, were now found bearing a voting mark on the "BULLS" symbol of the Respondent No. 1, thus entitling him to have them counted as valid votes in his favour. On the other hand, in Polling Stations Nos. 18, 24, 27, 28 and 32, in the bundles of valid ballot papers previously counted as valid votes for the Petitioner at the first count, unusually large numbers of ballot papers were found bearing additional voting marks on one of the other symbols besides a very clear and bold voting mark on the Petitioner's "STAR" symbol, thus rendering them liable to rejection at the recount. A striking feature of these new additional marks, in both types of cases, was that they were lightly impressed, sometimes showing only half (or less than half) of the voting stamp impression, in ink that was lighter in shade than that of the original voting mark on the papers. The second striking feature was that the lighter second mark on the previously counted valid votes of the Petitioner was usually found placed either on the "HORSE" symbol (printed at the top of the ballot paper) or on the "TREE" symbol (printed at the bottom of the paper) but only rarely on the "BULLS" symbol of Respondent No. 1. A third feature was that the shade and thickness of all these subsequent marks, both on the ballot papers previously rejected as well as on those previously counted as valid votes, were uniform when compared with each other but noticeably different from the varying but bold shade and thicknesses of the earlier marks.

59. That the unexpected emergence of these extraordinary features caused such an uproar at the counting tables that the Deputy Chief Election Commissioner felt compelled to leave his chair and to see for himself at the tables what the trouble was. He closely inspected some of these ballot papers in the light of the peculiar features referred to above and doubtless formed his own impression and opinion concerning them. There was subsequently some consultation between him and the Returning Officer; and as a result the R.O. directed that all such previously valid votes of the Petitioner as were now being rejected by him on recount, as well as all those previously rejected ballot papers which were now being validated by him for the Respondent No. 1, should be tied up in separate bundles and a statement of them should also be prepared polling stations-wise (in a form suggested by the D.C.E.C.) to be kept preserved along with the ballot paper accounts.

60. That as the recount progressed and the same remarkable features continued to be noticed in round after round, there was some further deliberation between the Returning Officer and the Deputy Chief Election Commissioner, whereupon the former announced that the recount would be stopped that day after some time and he would then indicate whether the operations would go on or be stayed. However, the process went on till about 8 p.m. and was then stopped for the day. It was discovered at that stage that the packet of counted ballot papers of polling station No. 87 was not traceable; and in its place a packet containing Assembly votes, pink in colour,—of the same polling station was found in the bag of the Parliamentary votes. It was given out that the missing packet must inadvertently have got mixed up in the bag of Assembly votes. Effort was then made to trace it out from that bag, which had till then been lying in one of the court-rooms; but after waiting for some time it was said that it could not be traced.

61. That earlier in the evening, while the recounting was going on, the Petitioner made a verbal request before the Returning Officer that the packing covers of the packets may be preserved for careful expert examination for any signs of their having been tampered with or altered; but he expressed his inability on the ground that the same were being trimmed and reutilised for re-packing the bundles after recounting.

62. That by the evening of 10th March it was quite obvious to the Petitioner, and it must have been quite obvious also the D.C.E.C. and to the R.O., that some time between the night of 27th February 1962, when the first count of Gonda-East Assembly Segment had been finished, and the afternoon of 10th March 1962, when its recount commenced, the bag and packets containing the counted Parliamentary ballot papers relating to that Segment had been got at and the ballot papers had been tampered with in such a manner that ballot papers previously counted as valid votes for the Petitioner had another mark fraudulently impressed upon them so as to render them rejectable (on the ground of multiple marking) and that, in the like manner, ballot papers which had been previously rejected because they bore no voting mark at all, or because they bore such marks on blank areas, had been fraudulently altered by affixing on them the voting mark on the "BULLS" symbol so as to render them valid for being counted as valid votes for the Respondent No. 1.

63. That the close of counting on March 10th the Petitioner brought specifically to the notice of the D.C.E. and the R.O. the facts discovered by the Petitioner on the night of March 9th and set out in para 55 above.

64. That late on the night of 10th March (at 0.55 a.m. of 11th March) the Petitioner conveyed to the Chief Election Commissioner, at Delhi, by an Express Telegram a brief account of what had been disclosed so far during the recount and requested that the Returning Officer should be directed to refrain from declaring the result of the Election on the following day pending a thorough investigation by the C.E.C. A copy of this telegram was made over the D.C.E.C. and to the R.O. at Gonda on 11th March). A copy is also attached hereto (marked ANNEXURE VI).

RE-SCRUTINY AND RECOUNTING (Third Day).

65. That the recount of Gonda-West Assembly Segment was commenced on March 11th at 10 a.m. In this Segment again the same abnormal features were detected though in a lesser degree, for the reason, *inter alia*, that as many as seventeen packets of counted ballot papers (relating to Polling stations Nos. 65, 69, 70 to 73, to 75 to 82 and 84 to 86) were found missing, and, when later discovered (*vide* para 66 below), were found innocent of any such mischief. Meanwhile the Returning Officer had stopped preparation of the special statements ordered the previous day. But on the insistent demand from the Counting

Agents of the Petitioner, he ordered that the typed blank forms for preparing such statements be supplied only on demand by the official counters at the tables and that they should ask for the same only when it was justified by the magnitude of the figures of differences. At the same time, a number of decisions favourable to the petitioner, (i.e., confirming the results of the first counting), were now given, even where quite a few of the previously valid votes for the Petitioner had now, quite plainly, an invalid appearance acquired through the same process of multiple marking. This had the effect of minimising what would otherwise have been an even more unbelievably large difference in the result of the re-count as compared with the result of the first count.

66. That, as stated above, as many as seventeen out of 86 packets of counted ballot papers relating to the Gonda-West Assembly Segment were found missing and in their place packets of Assembly votes were found in the bag. For some time, therefore, counting had to be suspended. Thereafter the A.R.O. (Shri A. S. Misra) brought these packets, along with the missing packet of polling station No. 87 of Gonda-East Assembly Segment, from somewhere. These eighteen packets were re-counted at the last round; and it was plainly noticeable and very significant that the ballot papers therein were entirely innocent of any mischief, there being (in their case) a complete absence of those abnormal features which had been detected in the re-count of the other packets of Gonda-East and Gonda-West Assembly Segments.

67. That, on 11th March, 1962, while the re-count of Gonda-West Segment was in progress, the Petitioner presented to the Deputy Chief Election Commissioner an application (in the form of a letter) briefly setting out the facts, enclosing a copy of the Telegram already despatched on the previous night by the Petitioner to the Chief Election Commissioner, praying for an investigation into the whole matter, and requesting that pending such investigation, the declaration of the Result of the Election based on the re-count should be withheld. The D.C.E.C. read the letter and then passed it on to the Returning Officer, Shri C. M. Nigam; and while the latter was reading it, the Superintendent of Police (who was sitting by his side) also read it at the same time.

68. (i) That by the noon of 11th March, it was quite clear that, as in the case of counted ballot papers relating to the Gonda-East Assembly Segment, many of those relating to Gonda-West Assembly Segment (excluding those relating to the 17 Polling Stations referred to in para 66 above) had also been tampered with some time between the close of their first counting on the night of 28th February and the commencement of their re-counting on 11th March.

(ii) That the original count and the re-count figures of Gonda-East and Gonda-West Assembly Segments were as follows:—

Assembly Segment	Original Count		Re-count	
	"BULLS"	"STAR"	"BULLS"	"STAR"
Gonda-East	16,900	13,449	17,025	11,658
Gonda-West	11,435	7,268	11,435	7,107
	28,335	20,717	28,460	18,765
Difference in favour of	7,618		9,695	

The difference in favour of Respondent No. 1 had thus increased by 2,077 votes. The total number of votes polled in these two Assembly Segments (including rejected ballot papers) was 72,112. This may be compared with paras 52 and 57 above.

DECLARATION OF RESULT OF ELECTION

69. That by lunch-break at about 1.15 p.m. on 11th March the Petitioner was confident that from the way events had been shaping since the previous day, coupled with what was actually seen by the D.C.E.C. himself and the telegram which the Petitioner had sent on the night of the 10th March to the C.E.C., some sort of a definite instruction must by then have been received by the Returning Officer, either directly from the Election Commission or through the Deputy Chief Election Commissioner, directing him to withhold the declaration of the result of the Election on completing the re-count. Indeed, the Petitioner also expected

that the Returning Officer would himself, of his own motion, prefer that course of action as a matter of good order and official propriety in such a serious situation as this, where there was strong *prima facie* evidence of extensive tampering with the ballot papers of both Gonda-East and Gonda-West Assembly Segments subsequent to the first count.

70. That at the lunch-break on March 11th, recounting of all votes *except the postal ballot* was finished. The Returning Officer and the Deputy Chief Election Commissioner then retired for lunch. Before doing so, however, the Returning Officer announced that they would re-assemble at 2 p.m.; he also instructed the entire staff including those engaged in counting to be present at such re-assembly; but he did not say, nor did the Petitioner expect, that he (the R.O.) intended to declare the result of the election at the re-assembly.

71. That at about 2 p.m. all the persons concerned re-assembled as directed. The Returning Officer also arrived *but without the Deputy Chief Election Commissioner*. The Returning Officer and his staff then took about an hour in completing the tabulation of the recount figures, and in getting certain documents prepared in an adjoining room. Meanwhile Respondent No. 1, who was also present, called in his lawyer, who came fully equipped with law books, text books and rulings.

72. That shortly after 3 p.m. the Returning Officer came in from the adjoining room *but again without the D.C.E.C.* He read out the recounted voting figures as entered in the result sheet in Form 20. *But he completely overlooked the need to recount the postal ballot papers.* The recounting was thus technically incomplete.

73. That the recounted voting figures (including the postal ballot as *originally* counted) were then announced as follows:—

Name of Candidate	Votes Secured
Respondent No. 1	80,937
Petitioner	80,439
Respondent No. 2	27,429
Respondent 3	7,674
(Rejected)	9,741)

74. That the Returning Officer then quite unexpectedly enquired whether any party had anything to say before he declared the Result of the Election.

75. That thereupon:—

- (a) The Petitioner was quite taken aback; and he inquired whether in view of the obvious and extensive tampering with ballot papers between the first count and the re-count, as disclosed during the re-count, the Returning Officer did not feel bound to withhold the declaration of the result of the election pending a thorough investigation into the whole matter and pending the directions of the Election Commission? In countering this, it was submitted on behalf of Respondent No. 1 that whatever the circumstances the Returning Officer was bound under Section 66 of the Act to declare the result of the election forthwith;
- (b) The Petitioner then bluntly asked the Returning Officer whether he had not received any direction at all from the Election Commission either directly or through the Deputy C.E.C., to refrain from declaring the result. To this, much to the Petitioner's astonishment, the Returning Officer gave a flat denial by way of an answer. Thereupon the Petitioner made further submissions requesting the Returning Officer to desist from making any declaration of the result.
- (c) But all submissions of the Petition were completely ignored. And the Respondent No. 1 was straight-away declared as duly elected and a Certificate to that effect was issued to him by the Returning Officer forthwith.

76. That shortly thereafter, at about 4.30 P.M. on the same day, the Petitioner went to the residence of the Returning Officer and met the Deputy Chief Election Commissioner. The Petitioner found him in a state of considerable personal agitation and even distress. For it had transpired,—and so, indeed, was the

Petitioner informed by the D.C.E.C. himself,—that just a short while before the Petitioner saw him, he (the D.C.E.C.) was horrified on being told by the R.O. himself that he had declared the result of the election in favour of Respondent No. 1. He expressed sympathy for the Petitioner, but was unwilling to make any further comments on the subject.

INEFFECTIVE INTERVENTION BY ELECTION COMMISSION.

77. That on the night of March 11th, on reflecting over the events of the 10th and 11th March as narrated in paragraphs 56 to 76 above, the Petitioner came to the conclusion that despite the Returning Officers' denial, it was evident that he *must* have been instructed by the Election Commission *not* to declare the result of the election pending a thorough investigation into the whole matter; and that the Returning Officer's action in nevertheless declaring the result was undoubtedly deliberate and probably *mala fide*; and that the said declaration was consequently illegal and *ab initio*. The Petitioner therefore submitted a representation in the matter to the Chief Election Commissioner on the night of March 11th by Express Telegram, a copy whereof is hereto attached, marked ANNEXURE VII.

78. That on March 13th the Chief Election Commissioner, accompanied by the D.E.C.E., came to Lucknow, to inquire into the matter; and after one day's enquires at Lucknow, they proceeded to Gonda on the morning of March 14th for the same purpose. But there they were served with an interim Prohibitory Order, issued at 8 A.M. that day (which was a working day) by a Judge of the Lucknow Bench of the Allahabad High Court, restraining them from proceeding further with their investigations pending disposal of a Writ Petition submitted by Respondent No. 1 under Article 226 of the Constitution of India against—

- (i) The Chief Election Commissioner
- (ii) The Dy. Chief Election Commissioner
- (iii) The Chief Electoral Officer, U.P. Government
- (iv) The Returning Officer, 34-Gonda Parliamentary Constituency.

In the said Petition, presented on behalf of Respondent No. 1 by Shri Kanhaya Lal Misra (the Advocate General of U.P.), the High Court was requested to issue a Writ in the nature of *mandamus* restraining the opposite parties, Nos. (i) to (iii) above, from opening and inspecting any election paper relating to 34-Gonda Parliamentary Constituency and from recording any statements or otherwise collecting information from the Returning Officer [opposite party No. (iv) above] and his subordinate staff of Gonda in connection with the counting or scrutiny of votes in the said Constituency.

79. That thereupon the Chief Election Commissioner and the D.C.E.C. dropped further investigation into the matter and returned to Delhi.

80. That on March 30th, the Petitioner was informed that the Election Commission was "unable to take any action in the matter". A copy of the Election Commission's letter is attached hereto, marked ANNEXURE VIII.

SUBMISSIONS

81. That on the facts and in the circumstances narrated above, the Petitioner submits:—

- (i) that the declaration of the result of the Election in favour of the Respondent No. 1 was procured in consequence of extensive tampering with the counted ballot papers after the first count; and
- (ii) that the said declaration was purposefully made by the Returning Officer in contravention of the instructions of the Election Commission to withhold the same pending an inquiry into the whole matter and is therefore *mala fide* and null and void being invalid in law *ab initio*; and
- (iii) that the result of the Election in so far as it concerns the Respondent No. 1 has been materially affected:—
 - (a) by improper rejection by the R.O. of over 1,780 valid votes cast for the Petitioner in Gonda-East Assembly Segment and over 130 valid votes cast in Gonda-West Assembly Segment (total over 1,900 votes), the same having been correctly counted as valid votes for the Petitioner at the first count and the relative ballot papers having been subsequently so tampered with before the re-count as

to give them an appearance of bearing multiple voting marks and thereby rendering them rejectible;

- (b) by improper acceptance by the R.O. of over 150 ballot papers in Gonda-East Assembly Segment and some 50 ballot papers in Gonda-West Assembly Segment (total over 200) as valid votes in favour of the Respondent No. 1, which papers had been properly rejected on first scrutiny under Rule 56 of the Conduct of Election Rules, 1961, as either bearing no voting marks at all or as bearing voting marks on blank areas, and the same having been subsequently so tampered with before the re-count as to bear a voting mark on the "BULLS" symbol, thereby giving them an appearance of being valid votes for the Respondent No. 1;
 - (c) by the Returning Officer designedly and illegally refraining on flimsy grounds from continuing and completing the process of counting on the night of February 28th itself as previously notified by the R.O. himself in conformity with Rule 60 of the Conduct of Election Rules, 1961;
 - (d) by deliberate breach of his official duty by the Returning Officer and/or by non-compliance with the provisions of the Constitution in that he proceeded to declare the Result of the Election in total disregard and contravention of the directions lawfully issued to him by the Election Commission under the power to "superintend, direct and control" the conduct of elections vested in the Commission under Article 324 of the Constitution of India.
- (iv) that the Petitioner in fact received a majority of valid votes at the said election.

RELIEFS CLAIMED

32. Wherefore it is respectfully prayed—

- (a) that the Election of the Respondent No. 1 be declared void; and
- (b) that the Petitioner be declared duly elected to the House of the People (Lok Sabha) from 34-Gonda Parliamentary Constituency;
- (c) that costs of the Petitioner be awarded as against the Respondent No. 1;
- (d) that any other relief thought fit and proper be allowed to the Petitioner.

NOTE: Security Deposit of Rs. 2,000 in compliance with Section 117, of the Act has been made in the Reserve Bank of India Bombay and a receipt is enclosed herewith.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that what is stated in the paragraphs and parts of paragraphs of the Petition specified hereunder is true to my own knowledge:—

Paragraphs 1 to 9, 13, 14, 16, 18, 35, to 39, 43, 45, 47, 49, 50, 53, to 57, 60, to 77, 79, 80 and 81(iii) (a) and (b); and

Parts of paragraphs, namely, the last two sentences of para 10(v), the first sentence of para 42, the first sentence of para 44, the second sentence of para 48, para 59 from the third sentence onwards, and the first sentence of para 78;

and that what is stated in the paragraphs and parts of paragraphs of the Petition specified hereunder is stated on information and belief and I believe the same to be true:—

paragraphs 10(i) to (iv), 11, 12, 15, 17, 19 to 34, 40, 41, 46, 51, 52, 58, and 81(i), (ii), (iii) (c) and (d) and (iv); and

Parts of paragraphs, namely, para 10(v) except the last two sentences, para 42, except the first sentence, para 44, except the first sentence, the first sentence of para 48, first two sentences of para 59, and paragraph 78 except the first sentence.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

Under Section 8 Notaries Act, 1952, Solemnly declared at New Delhi, on this 23rd day of April, 1962.

Attested True Copy.

Before,
Sd./- SUNDAR DAS KAPUR,
Notary U.T. of Delhi.

Sd./- N. DANDEKER,
Dated The 23rd April, 1962.

LIST OF ANNEXURES

Serial Number of Annexure	Related Paragraph of Election Petition	Particulars of Annexures	Original or Certified Copy of Annexure.
I-A I-B	} Para 10(v)	Copies of Press Reports of speech delivered by Shri Jawaharlal Nehru at Mankapur on 1-2-1962, in— A : "NATIONAL HERALD" of 3-2-1962 (Dak. Edn.). B : "PIONEER" of 3-2-1962 (Dak Edn.)	Original Issues dated 3-2-1962 (Dak Edition) of these two Dailies will be produced at the time of hearing of the Petition by the Election Tribunal.
I-C		Do. Copy of Express Telegram dated 7-2-1962 from the Petitioner to the Chief Election Commissioner.	Certified copy of the original will be produced at the time of hearing of the Petition by the Election Tribunal.
II-A II-B	} Para 33	Copy of application made at 10-20 A.M. on 28-2-1962 by the Election Agent of Respondent No. 1, and of order passed thereon by the A.R.O.	Do.
II-C II-D		Para 33(i) Copy of Application presented to the A.R.O. at 10-45 P.M. on 28-2-1962 by Respondent No. 1 and of order passed thereon by the A.R.O. at 11-30 P.M. on 28-2-1962.	Do.
II-E II-F	} Para 33(ii)	Copy of Application presented to the A.R.O. on 28-2-1962 at 12 P.M. (Midnight) by the Election Agent of Respondent No. 1 and of order passed thereon by the A.R.O.	Do.
III		Para 36 Copy of letter dated 1-3-1962 from the Petitioner to the Chief Election Commissioner.	Do.
IV	Para 38 Copy of Application for Recount (dated 28-2-1962) presented to the R.O. by Respondent No. 1 in the afternoon of 1-3-1962.	Do.	
V	Para 39 Copy of Order passed thereon by the R.O. on 1-3-1962.	Do.	
VI	Para 64 Copy of Express Telegram from the Petitioner to the Chief Election Commissioner despatched on the night of 10-3-1962 (at about 0-55 A.M. on 11-3-1962).	Do.	
VII	Para 77 Copy of Express Telegram from the Petitioner to the Chief Election Commissioner despatched at about 9-20 P.M. on 11-3-1962.	Do.	
VIII	Para 80 Copy of Letter dated 30-3-1962 from the Election Commission, to the Petitioner.	The original will be produced at the time of hearing.	

ANNEXURE 1-A

PRESS REPORT OF SHRI JAWAHARLAL NEHRU'S SPEECH

(delivered at Mankapur on 1-2-1962).

"NATIONAL HERALD"

(Dak Edition: 3-2-1962)

"FEUDAL TERROR IN MANKAPUR"

Mankapur, Feb. 1.—Prime Minister Nehru today expressed his "anger and amazement" at the continuance of the old type of feudal repression and terror on the people of the area.

Pandit Nehru, who came to address a meeting here, was told by local Congressmen that even today people were being beaten and terrorised by former taluqdars and their henchmen here.

Speaking in an angry tone, Pandit Nehru said:

"I am amazed that such things are still happening in free India. Such things cannot be tolerated and must be put a stop to immediately".

Thumping the table, Pandit Nehru added amidst thunderous applause: "I will inquire why these things are still happening, who is doing it, and what the officials are doing".

"Those who are committing such acts of repression will get the answer later. But local and other officials—not only big officials but even small officials—will have to answer first why this kind of repression still goes on," he declared.

Pandit Nehru said that Mankapur was notorious even in the past for repression of the people by former taluqdars.

He appealed to the people to co-operate with the Government to putting an end to the repression. They should shed fear from their hearts. If they became fearless they would be able to defend themselves and end the repression which was being perpetrated upon them by former taluqdars and other.

The President of the U.P. Congress Committee Mr. A. P. Jain, who also spoke, said that there were many people here with broken arms and broken legs. Their arms and legs were broken by former taluqdars because they stood up for the cause of peasants and workers he added—PTI."

TRUE EXTRACT ATTESTED.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the issue of "NATIONAL HERALD", dated 3rd February, 1962, (Dak Edn.) in which the Report appeared and that this is a correct reproduction thereof.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

Under Section 8 Notaris Act, 1952, Solemnly declared at New Delhi, on this 23rd day of April, 1962.

Before,

Sd./- SUNDAR DASS KAPUR,

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

ANNEXURE I-B.

PRESS REPORT OF SHRI JAWAHARLAL NEHRU'S SPEECH

(delivered at Mankapur on 1-2-1962)

"PIONEER"

(Dak Edition--3-2-1962)

"REPRESSION IN MANKAPUR"

"NEHRU EXPRESSES ANGER"

"Mankapur, (Eastern U.P.) Feb. 1--Prime Minister Nehru today expressed his "anger and amazement" at the continuance of the old type of feudal repression and terror on the people of this area.

Mr. Nehru, who came to address a meeting here, was told by local Congressmen that even today people were being beaten and terrorised by former taluqdars and their henchmen here.

Speaking in an angry tone, Mr. Nehru said, "I am amazed that such things are still happening in free India. Such things cannot be tolerated and must be put a stop to immediately".

Thumping the table Mr. Nehru added amidst thunderous applause: "I will inquire, why these things are still happening, who is doing it and what the officials are doing".

The President of the Uttar Pradesh Congress Committee, Mr. A. P. Jain, who also spoke, said that there were many people here with broken arms and broken legs. Their arms and legs were broken by former taluqdars because they sided with the cause of peasants and workers, he added.—PTI".

TRUE EXTRACT ATTESTED.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the issue of "PIONEER" dated 3rd February, 1962, (Dak Edition) in which the Report appeared and that this is a correct reproduction thereof.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

Under Section 8 Notaris Act, 1952, Solemnly declared at New Delhi, on this 23rd day of April, 1962.

Before,

Sd./- SUNDAR DASS KAPUR.

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

Dated The 23rd April, 1962.

ANNEXURE I-C

TELEGRAM FROM PETITIONER TO CHIEF ELECTION COMMISSIONER

7th February 1962.

EXPRESS:

Raghavan,
Chief Election Commissioner,
New Delhi.

"Prime Minister made utterly irresponsible speeches on first February at Bahnan Mankapur and Gonda respectively in Gonda Parliamentary Constituency from which myself contesting as Swatantra Party Candidate for Lok Sabha stop

Have myself toured all the areas concerned very extensively from second February to six February inclusive and feel compelled characterise Prime Minister's Allegations of Serfdom and Feudal Terror in Mankapur as wholly false and baseless and deliberately calculated to mislead the public and to incite Congress Workers to violence with impunity and to require Law Enforcement Machinery to discriminate against Swatantra Party workers and organisation thereby terrorising them and the voters and gravely prejudicing Election prospects of myself and my five Swatantra Party colleagues contesting from Vidhan Sabha Constituencies within my Parliamentary Constituency stop Prime Minister's speeches here also deliberately calculated prejudice Swatantra Party candidates all over India stop Respectfully insist you take immediate appropriate and drastic action against Pandit Jawaharlal Nehru for corrupt practices stop Also earnestly request you send observers Gonda Parliamentary Constituency from Eighteenth to Twenty-third February failing which voters will feel terrorised by Petty Officials and Congress Workers into refraining from voting—Dandeker".

TRUE COPY ATTESTED

Sd./- N. DANDEKER,

23-4-1962,

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that the above ANNEXURE is a true copy and correct reproduction of the telegram which I sent to the Chief Election Commissioner on 7-2-1962 and that what is stated in the first sentence thereof upto and including the word "Constituency" is stated on information and belief and I believe the same to be true and that what is stated in the rest of it is true to my own knowledge.

Sd./- N. DANDEKER,

23-4-1962,

Under Section 8 Notaries Act 1952 Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

23-4-1962,

ANNEXURE II-A

Copy of application moved by Shri R. N. Misra, Election Agent to Shri Ram Ratan Gupta a contesting candidate, dated 23-2-1962 at 10-20 A.M. to the Returning Officer, Mankapur Assembly Constituency Section of Gonda Parliamentary Constituency regarding complaint in counting.

Sir,

This is just to report to you that in polling station No. 3 the ballot papers of Assembly and Parliament are being found folded together in one set—one being kept inside the other—which could not be as the papers are issued separately and after one is inserted in the box, the other is required to be marked. Such ballot

papers may be noted and checked as this was an utter irregularity against the rules.

28-2-1962.

10-20 A.M.

Yours faithfully,
Sd./- S. R. MISRA,
Election Agent to
L. Ram Ratan Gupta.

True Copy.
Sd./- MAQBOOL HUSAIN,
Election Inspector,
District Election Office,
Gonda.

True Copy attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the Election Inspector, District Election Office, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,
23-4-1962,

Under Section 8 Notaries Act 1952 Solemnly declared at New Delhi on this 23rd day of April 1962.

Before,
Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.

Attested true copy.

Sd./- N. DANDEKER,
23-4-1962.

ANNEXURE II-B

Copy of order passed by Shri S. R. Misra, Returning Officer dated 28th February 1962 on application moved by Shri R. N. Misra, Election Agent to Shri L. Ram Ratan Gupta, contesting candidate, dated 28th February 1962 regarding complaint in counting.

I have seen. There are few cases in which both Assembly and Parliamentary votes were found folded in one in boxes of Polling Station No. 3 Vidaya Nagar.

Sd./- S. R. MISRA,
28-2-1962.

As the box has been opened and countings is in progress it is not possible to count such cases now.

Sd./- S. R. MISRA,
28-2-1962.
10-30 A.M.

True Copy—
Sd./- MAQBOOL HUSAIN,
Election Inspector
District Election Office,
Gonda.

True copy attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandekar of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the Election Inspector, District Election Office, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,
23-4-1962.

Under Section 8 Notaries Act 1952 Solemnly declared at New Delhi on this 23rd day of April 1962.

Before
Sd./- SUNDAR DAS KAPUR,
Notary, U.T. of Delhi.
Attested True Copy
N. Dandekar,
23-4-1962.

ANNEXURE II-C

Copy of application moved by Shri R. R. Gupta, candidate, dated 28th February 1962 addressed to the Asstt. Returning Officer, Gonda Parliamentary Constituency, regarding complaint in counting.

To,

The Asstt. Returning Officer,
Gonda Parliamentary Constituency.

I beg to submit that the counting of ballot papers for the Gonda Parliamentary constituency has not been done with appropriate care and due examination of the ballot papers.

(1) A large number of ballots numbering many thousands have apparently set apart for being rejected while the same do not deserve at all to be treated so.

(2) Quite a large number again have been set apart to be so treated for rejection on the misconceived ground of their bearing more than one mark, while it is essential that the intention of the voter has to be gathered from each of such ballots, to determine for whom the voter has voted (Bankey Lal Vs Election Tribunal M. B. Badaun—1960 AWR 40).

(3) In Mankapur Constituency thousands of ballots of the above kind do deserve examination and scrutiny, as very particularly manipulations appear to have been done therein, for which boxes with broken seals have been found and notes of protest have also been lodged before the counting officer.

(4) No heed has been paid at the operation of counting generally to the provisions of Rule 56 and particularly to clauses (g) and (h) of that rule.

(5) The totalling of votes also requires re-examination. It is therefore necessary that a scrutiny of the ballots and appropriate recounting be made with due regard to the rules relating to determination of votes polled for the candidate.

(6) Wherefore it is respectfully prayed that either the further counting may be stayed in order to re-examine the ballots for which counting operations have proceeded so far, and thereafter further operations may go on for the rest of the counting or the re-scrutiny and re-examination and recount of the ballots and votes may kindly be done at the end in the light of the objections mentioned above. It would be also necessary to make suitable orders in respect of the boxes of which the seals have been found broken. Boxes have been obviously tampered with.

Sd./- R. R. GUPTA,
Candidate
28-2-1962.

VERIFICATION

I, N. Dandekar of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with

the certified copy issued by the Election Inspector, District Election Office, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,
23-4-1962.

Under Section 8 Notaries Act 1952.

Solemnly declared at New Delhi on this 23rd day of April 1962.

True Copy—
Sd./- MAQBOOL HUSAIN,
E.I., D.E.O. Gonda,
3-3-1962.

True Copy Attested
Sd./- N. DANDEKER,
23-4-1962.

Before

Sd./- SUNDAR DAS KAPUR,
Notary, U. T. of Delhi.

Attested True Copy
N. DANDEKER,
23-4-1962.

ANNEXURE II-D

Copy of order passed by Shri S. R. Misra Asstt. Returning Officer, Mankapur section of Gonda Parliamentary Constituency, dated 28th February 1962 regarding complaint in counting.

Received at 10-45 P.M.

Sd./-S. R. MISRA,
28-2-1962.

This has been presented by Shri R. N. Misra Election Agent.

This application has been filed before the counting is over. The counting is yet in progress. My order on each allegation parwise is as under:—

(1) This objection is for entire Gonda Parliamentary Constituency. So far as the Mankapur Assembly Constituency section of this Parliamentary Constituency relates the ballot papers rejected have been correctly rejected by me for the reason noted on each ballot paper concerned.

(2) So far as Mankapur Assembly section of Gonda Parliamentary Constituency relates I have rejected ballot papers correctly according to rules, after full consideration of the intention of the voters.

(3) For rejection of ballot papers my order on S. No. 1 and 2 above apply to the same objection in this para also. The objection that manipulations have been done in ballot papers is totally false. No boxes were found with broken seals. Only in polling No. 42 Bandhri the Presiding Officer had not fixed seals at the seven holes bolt. But the seals of the Presiding Officer on the metal cover over the seven holes bolt as also of the polling agents were intact which clearly proved that ballot boxes were not tampered with. I had passed order in detail and communicated the same to objectors before counting of ballot papers of these boxes.

(4) Full attention was given to comply the provisions of Rule 56(g) and (h). No ballot papers have been rejected to which the provisions of these clauses apply. This objection is wrong.

(5) Totalling is yet on progress. The total upto P.S. No. 76 is yet ready and it tallies with those election agents and candidates who have prepared statements of totals. Besides the cross total of various columns also agree. I am therefore satisfied that the totalling so far done is correct.

(6) As the application is not based on correct grounds. The application for re-counting, re-examination and re-totalling is rejected.

Sd./- S. R. MISRA,
A.R.O.
Mankapur Section of Gonda
Parliamentary Constituency.
28-2-1962, 11-30 P.M.

The election agent Shri R. N. Misra who brought this application refused to sign this order in token of his information. The order was read out to him and to all who were present.

Sd./- S. R. MISRA,
28-2-1962.

True Copy.

Sd./- MAQBOOL HUSAIN,
E.I., D.E.O. Gonda.
3-3-1962.

True Copy attested.

Sd./- N. DANDEKER,
23-4-1962.

Attested True Copy.-

(N. DANDEKER).

Under Section 8 Notaries Act 1952 Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DAS KAPUR,
Notary, U. T. of Delhi.

Sd./- N. DANDEKER,
23-4-1962.

ANNEXURE II-E

Copy of application moved by Shri R. N. Misra, Election Agent to Sri Ram Ratan Gupta, dated 28th February 1962 at 12 midnight to the Assistant Returning Officer, Gonda Parliamentary Constituency, Gonda, regarding complaint in counting.

To

The Assistant Returning Officer,
Gonda Parliamentary Constituency,
Gonda.

Dear Sir,

I humbly submitted an application to you for re-counting and re-checking of ballot papers of Parliament in respect of Mankapur section of the above constituency which is going on since 8 A.M. today. The intention was to have fair play and justice and to check and recount the ballot papers, including the rejected ones and their separation symbolwise and counting.

Your goodself with the entire staff has been working continuously since 8 A.M. today. You had already started counting work on 26th noon and continued the work till 27th morning, when again you started counting of another constituency which continued till late hours of night. No doubt this entails heavy strain on you and probably because your goodself and staff is mentally and physically fatigued you did not agree to our request. But now the ballot papers are out, numbers noted by agents and there can be no difficulty, if they are re-checked to assure fairness. You may be good enough to postpone further counting process for tomorrow and give us an opportunity to examine and check the ballot papers through the official agency to meet the ends of justice.

We would therefore humbly request to reconsider your decision and give suitable orders to recheck the papers tomorrow morning at any time suiting your convenience.

Yours faithfully,

Sd./- R. N. MISRA,
Election Agent to Ram Ratan Gupta.

28-2-1962
12 midnight.

True Copy.

Sd /- MAQBOOL HUSAIN,
E.I. D.E.O., Gonda,
4-3-1962.

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the Election Inspector, District Election Office, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,

23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DAS KAPUR,

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

23-4-1962.

ANNEXURE II-F

Copy of order passed by Shri S. R. Misra, A.R.O., dated 28th February 1962 on the application of Shri R. N. Misra, Election Agent to Ram Ratan Gupta, a contesting candidate, dated 28th February 1962 at 12 midnight, regarding rechecking and recounting of ballot papers.

I have personally checked and satisfied that the orders of rejection were correctly passed by me on rejected ballot paper. I counted the Utraula Constituency and I and my present counting staff had a rest of 24 hours on 27th February 1962. Thus it is wrong that because of being tired, I have rejected the previous application. Recounting is now over and I have fully satisfied about the accuracy of totals by re-checking.

Sd./- S. R. MISRA,

A.R.O.,

28-2-1962.

True Copy.

Sd./- MAQBOOL HUSAIN,

E.I. D.E.O., Gonda,

4-3-1962.

True Copy Attested.

Sd./- N. DANDEKER,

23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the Election Inspector, District Election Office, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,

23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DAS KAPUR,

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

23-4-1962.

ANNEXURE III

LETTER TO CHIEF ELECTION COMMISSIONER

Mohanlal Vakil's Bungalow,
Patelnagar,
GONDA (U.P.).
1st March 1962.

Shri K. V. K. Sundaram, I.C.S.,
Chief Election Commissioner,
New Delhi.

Sir,

I am contesting for the Lok Sabha from the Gonda Parliamentary Constituency in Uttar Pradesh. This Constituency comprises of five Vidhan Sabha (Assembly) Segments, viz., Gonda East, Gonda North, Gonda West, Mankapur and Mahadeva.

The counting of the votes cast in Gonda East and Gonda North began on 27th February and was completed in the early hours of 28th February.

The counting of votes cast in Gonda West, Mankapur and Mahadeva Assembly Segments began on 28th February and was completed late at night.

Nevertheless the Returning Officer *declined* to announce the result of the Parliamentary Election "forthwith" on the ground that as it was already very late and the process would take a few more hours to complete, he would prefer to make the announcement the next day, i.e., today, 1st March at about 11 A.M. My Election Agent protested very strongly against this action of the Returning Officer, but he was over-ruled.

I must protest most emphatically against this extraordinary action by the Returning Officer. Whether it will eventually prejudice me in any way I cannot say now; but I certainly fear some tampering with the result, the fact being that at the completion of the count I was leading by about 1,600 votes.

Yours faithfully,
Sd./- N. DANDEKER,

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.
(N. DANDEKER).

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that the above is a true copy and correct reproduction of the letter dated 1st March 1962 addressed by me to the Election Commission, and that what is stated in the first two paragraphs and in the fifth paragraph thereof is true to my own knowledge and that what is stated in the third and fourth paragraphs thereof is stated on information and belief and I believe the same to be true.

Sd./- N. DANDEKER,
23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,
23-4-1962.

ANNEXURE IV

RESPONDENT NO. 1'S APPLICATION FOR RECOUNT

"The Returning Officer,
Gonda Parliamentary Constituency,
Gonda.

(Application for re-examination and re-counting of votes).

Sir,

I beg to state that owing to pressed time with which the operation of counting has been done, mind and discretion has not been applied by the personnel, and particularly the Presiding Officer-in-Charge of counting, owing to which thousands of ballot papers have been mechanically packetted up as votes for the other candidates and several thousands have again been packetted up for being reckoned as invalid and rejected votes, which should have been and should be counted for me the undersigned candidate.

Thousands of ballot papers have been packetted aside mechanically and without the application of mind and discretion with the wrong idea that they bear multiple marking and as such would be rejected votes. The discretion and mind of the Returning Officer deserves to be applied to all such ballot papers to determine the intention of the voters, despite multiple marking, for whom they have voted, in each case having regard to the nature and place of those marks (1960 ALJ 12).

A large number of ballot papers have similarly been packetted up mechanically for being treated as invalid votes on the ground of their being marked on the reverse side rather than on the face side, even when it is a fact that the candidate's symbols are visible clearly on the reverse side also. Such ballots also deserve the application of mind and discretion of the Returning Officer for ascertaining the intention of the voters in each case as to the candidate for whom the vote has been cast (1959 ALJ 607).

Thousands of ballot papers have similarly been mechanically packetted up to be treated as rejected votes, on the wrong ground that they are unmarked, without examination for marks present on them.

A large number of ballots have wrongly been treated as ballots to be rejected on the ground of being marked at vacant spaces.

Owing to these reasons and also because totalling and re-checking is essential and legally called for, it is prayed that the ballot papers be kindly checked and examined and re-counted appropriately, in respect of all the Assembly Constituency Areas included in my Parliamentary Constituency and more particularly for the Areas of the Assembly Constituencies of Gonda North and Mankapur.

Yours faithfully,

Sd./- RAM RATAN GUPTA,

Candidate."

28-2-1962.

Attested.

Sd./- R. B. JHRI,
District Election Officer.
1-3-1962.

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the District Election Officer, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,

23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

23-4-1962.

ANNEXURE V

RETURNING OFFICER'S ORDER ALLOWING RE-COUNT

"I have heard both the parties. Shri Narain Dandeker has pointed out that I have no jurisdiction to entertain such an application for recount as I cannot review the decision of the Assistant Returning Officers who did the counting initially. Rule 63 of Conduct of Election Rules, 1961 is a complete reply to this objection. This objection is therefore over-ruled.

Under the circumstances mentioned in the application I think it fair and proper to allow the application for a recount. The date, time and place of recount shall be intimated to all the contesting candidates shortly.

Sd./- C. M. NIGAM,

District Magistrate.

1-3-1962."

Attested.

Sd./- R. B. JOHRI,

District Election Officer.

1-3-1962.

True Copy Attested.

Sd./- N. DANDEKER,

23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that I have compared the contents of this ANNEXURE with the certified copy issued by the District Election Officer, Gonda, and that this is correct reproduction thereof.

Sd./- N. DANDEKER,

23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,

Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,

23-4-1962

ANNEXURE VI

TELEGRAM TO CHIEF ELECTION COMMISSIONER

"EXPRESS

ELECTION URGENT

Sundaram,

Chief Election Commissioner,
New Delhi.

"Recounting of 34-Gonda Parliamentary Constituency commenced Ninth instant stop Mankapur Assembly segment and major part of Mahadeva Assembly Segment completed on same day stop Remainder of Mahadeva Segment and whole of Gonda North Assembly Segment completed by about 1330 hours on tenth stop Net result of recounting these three Assembly Segments was plus three in my favour stop Paragraph re-counting of Gonda East Assembly Segment commenced about 1430 hours on tenth and completed by about 2000 Hours except for Polling Station number 87 whose packet of ballot papers was not traceable stop The recount of this Segment disclosed extensive tampering with Ballot Papers firstly by invalidating by means of subsequent multiple marking about 1,600 votes validly counted in my favour at the first counting and secondly by validating in favour of Congress Candidate nearly 200 blank Ballot Papers previously rejected because bearing no marking thereby overtaking in the aggregate the margin of 1,576 votes by which myself had won the Election on First counting stop These facts fully known to Subramaniam your Deputy in whose presence the recounting is taking place stop Paragraph the recounting of remaining Assembly Segment namely Gonda West will commence at 1000 hours on Eleventh stop Earnestly request your immediate intervention directing the Returning Officer, Gonda to refrain repeat refrain from declaration of result pending thorough investigation by you—DANDEKER".

11-3-62 (0-55 A.M.)

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that the above is a true copy and correct reproduction of the telegram sent by me to the Chief Election Commissioner at about 0-55 A.M. on the night of 10th/11th March 1962 and that what is stated therein is true to my own knowledge.

Sd./- N. DANDEKER,
23-4-1962

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,
23-4-1962

ANNEXURE VII

TELEGRAM TO CHIEF ELECTION COMMISSIONER

(11-3-1962 at 9-20 P.M.)

EXPRESS ELECTION URGENT

Sundaram

Chief Election Commissioner,
New Delhi.

"Gonda Returning Officer blatantly declared Lok Sabha Election result Sunday afternoon notifying Congress Candidate successful despite obvious extensive fraudulent tampering with Ballot Papers exposed in presence of Deputy Chief Election Commissioner stop Answering my specific query made before declaration of result Returning Officer flatly denied repeat denied receiving any contrary

direction from Election Commission which myself cannot believe stop If direction to refrain from declaring result actually issued by Commission comma whether orally or in writing and whether directly or through the Deputy Chief Election Commissioner comma and if the same deliberately disregarded by Returning Officer then would suggest respectfully but most vehemently firstly that the declaration of result made by the Returning Officer be immediately repeat immediately set aside as wholly illegal hence totally invalid *abinitio* and secondly that Returning Officer be prosecuted under Section 134 Representation of People Act (43 of 1951) and thirdly such other appropriate orders be passed in respect of the result of Lok Sabha Election from 34-Gonda Parliamentary Constituency as the Commission may think fit stop Shall see you personally at Delhi Tuesday Thirteenth instant but meanwhile the first of the foregoing three steps most essential repeat essential for the reputation of the Commission for integrity and competence and for preventing further legal complications."

11-3-1962 (9-20 P.M.).

Sd./- N. DANDEKER,

True Copy.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that the above is a true copy and correct reproduction of the telegram sent by me to the Chief Election Commissioner at about 9-20 P.M. on the night of 11th March 1962 and that what is stated therein is true to my own knowledge.

Sd./- N. DANDEKER,
23-4-1962

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.

Attested True Copy.

Sd./- N. DANDEKER,
23-4-1962

ANNEXURE VIII

LETTER FROM ELECTION COMMISSION

(30-3-1962)

No. 61/UP/62/27633

ELECTION COMMISSION, INDIA

1, Aurangzeb Road
New Delhi-11.

Dated the 30th March, 1962/

Chaitra, 9, 1884 (Saka).

From The Secretary,
Election Commission, India.

To Shri N. Dandeker, I.C.S. (Rtd.),
C/o Wg./Cdr. K. L. Khanna,
12A, Air Force Command Quarters,
Gurgaon Road,
New Delhi (Cantt.).

SUBJECT:—General Elections, 1962—Gonda Parliamentary Constituency.

Sir,

I am directed to refer to your telegram to the Chief Election Commissioner dated the 11th March, 1962, and to say that as the declaration of the result of

the said election has already been made by the Returning Officer and his decision is final, the Commission is unable to take any action in the matter as desired by you. You may, if so advised seek redress in the matter by means of an election petition.

Yours faithfully,
Sd./- C. B. LAL,
Under Secretary.

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.

VERIFICATION

I, N. Dandeker of Bombay, Indian Hindu Inhabitant, the Petitioner above named do solemnly declare that the above is a true copy and correct reproduction of the letter dated 30th March, 1962 addressed to me by the Election Commission.

Sd./- N. DANDEKER,
23-4-1962.

Under Section 8, Notaries Act, 1952

Solemnly declared at New Delhi on this 23rd day of April 1962.

Before

Sd./- SUNDAR DASS KAPUR,
Notary, U.T. of Delhi.
Attested True Copy.

Sd./- N. DANDEKER,

True Copy Attested.

Sd./- N. DANDEKER,
23-4-1962.

[No. 82/339/62.]

C. B. LAL, Under Secy.

New Delhi, the 3rd May 1962

S.O. 1545.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Hem Chandra Sah, Borbhetta Chapari, P.O. Cinnamara, Jorhat, Assam.	Jorhat.

[No. AS-P/10/62(2).]

S.O. 1546.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts* of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Ramakant Singh, Village & Post Rampur Baghelan, District Satna.	Sidhi
2. Shri Lal Bhadur Singh, Ward No. 3, Sidhi Nagar, P.O. Sidhi, District Sidhi.	Sidhi

[No. MP-P/8/62(5).]

S.O. 1547.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge the accounts* of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Boda Dada, Pharaspal P.O. Dantewara, Bastar District.	Bastar
2. Shri Sadhu Lalkhan, Neganar, P.O. Binjoli, Bastar District.	Bastar

[No. MP-P/17/62(7).]

New Delhi, the 5th May 1962

S.O. 1548.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the

Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Fadalram Dewaji, Ram Mandir Ward, Waraseoni Post, Waraseoni, Madhya Pradesh.	Balāghat

[No. MP-P/20/62(6).]

S.O. 1549.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Anup Kumar Acharyya Raghunathganj, P.O. Raghunathganj, District Murshidabad West Bengal	Murshidabad.

[No. WB-P/7/62(1).]

S.O. 1550.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Jitendra Nath Lahiri, 53. J. N. Lahiri Road, P.O. Serampore, District Hooghly, West Bengal.	Serampore.

[No. WB-P/22/62(3).]

New Delhi, the 7th May 1962

S.O. 1551.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shyamnarayan Kashmiri, C/o Mill Mazdoor Sangh, Rajnandgaon (Madhya Pradesh)	Rajnandgaon.

[No. MP-P/18/62(4).]

New Delhi, the 8th May 1962

S.O. 1552.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 213 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Basantilal, s/o Shri Ratanlal Jain, Mandsaur, calling in question the election to the House of the People from the Mandsaur constituency of that House of Shri Umashankar, s/o Shri Muljibhai Trivedi, Bar-at-Law, Neemuch Cantonment.

ELECTION PETITION No. 213 OF 1962

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

Basantilal s/o Ratanlal Jain of Mandsaur.—*Petitioner.**Versus*

1. Umashankar s/o Muljibhai Trivedi, Bar-at-law of Neemuch Cantonment
2. Dr. Raghubir Singh, s/o Raja Ram Singh of Sitamau.
3. Virendra Singh s/o Chhanganlal Nahata of Rampura.—*Respondents.*

Election Petition Under Secs. 100 and 101 of the Representation of the Peoples Act.

Your humble petitioner showeth as under:—

1. That the petitioner is a resident of Mandsaur and is a voter of 282 Mandsaur Assembly Constituency. His name has been entered in the voter's list of the said Mandsaur Constituency at No. 124, part No. 23, House No. 167.

2. That respondent No. 1, 2 and 3 were the contesting candidates for 36, Mandsaur Parliamentary Constituency. Along with these three contesting candidates Shri Bhagvandas Shri Vimal Kumar Chordia, Shri Govindsingh and Shri Parshuram Patidar of Mandsaur had filed their nominations before the prescribed time before the last date for the filing of the nominations before the Returning Officer Mandsaur.

3. That out of the seven persons mentioned in para 2 of the petition Shri Bhagvandas, Shri Vimalkumar, Shri Govindsingh, Shri Parshuram Patidar withdraw their candidature from the contest before the prescribed time for withdrawals.

4. That respt. No. 1 was an official candidate for Jan Sangh, respondent No. 2, was an official candidate for Congress, and respt. No. 3 was an official candidate of the Swatantra Party. Shri Vimalkumar was the dummy candidate of Jan Sangh, Shri Govindsingh was the dummy candidate of Congress, Shri Parshuram Patidar was an Independent candidate, but shri Bhagvandas was the candidate of the Hindu Maha Sabha Party.

5. That respt. No. 1, 2, and 3 secured 1,17,805, 1,06,995, and 6,981, votes respectively at the poll and as a result of this the Returning Officer declared respt. No. 1 as elected to the Lok Sabha from 36, Mandsaur Lok Sabha constituency on 27th February, 1962.

6. That the election of the respt. No. 1 is void in as much as the following corrupt practices were committed by respt. No. 1, his agents or other persons with his consent:—

(a) That the respt. No. 1, his agents and other persons with his consent made publication of the statement of facts in relation to the personal character or conduct of respt. No. 2, which is false and which he believed to be false or did not believe it to be true with a view of prejudicially affect the prospects of the results of election of respt. No. 2. Full particulars of the corrupt practice mentioned in this para are detailed in schedule* A which forms a part of this petition.

(b) That the respt. No. 1 and his agents with the consent of respt. No. 1 published a leaflet under the signature of Gosai Ratangir of Chandrapura and therein made statement of fact with regard to the personal character or conduct of the respt. No. 2 which is false and which they believed to be false or did not believe it to be true, this being a statement reasonably calculated to prejudicially affect the prospects of the election of resp. No. 2.

The leaflet is appended herewith as annexure* B. The full particulars of this corrupt practice mentioned in this para are given in schedule B, which forms part of this petition.

(c) That respt. No. 1 and his agents offered illegal gratification to the electors of Afjalpur, Khajurigoud, Khedi, Bisnia, Semliakaji, Nipania of Sitamau Assembly constituency Lasudia, Antri, Danta, Fopliya, of Manasa constituency. That respt. No. 1 offered illegal gratification of free legal aid to voters of Laduna, Kayampur, Nahargarh, Kukdeshwar Manasa etc. The full particulars of this corrupt practice mentioned in this para are given in schedule C, which forms the part of this petition.

(d) That the respt. No. 1 and his agents with his consent hired or procured Tractors, Trucks and Cars for the conveyance of voters from villages to polling stations and back to their villages after casting their votes. The car of respt. No. 1 was also used to carry voters from Khamkheda to Nahargarh and Khajuri Chandrawat to Nahargarh.

The full particulars of the corrupt practice mentioned in this para are detailed in schedule D. which forms a part of this petition.

(e) That the respt. No. 1, his agents and other persons with the consent of respt. No. 1, appealed to the voters to vote for respondent No. 1, in the name of Brahmins to which caste the respt. No. 1 belonged.

This appeal was made by respt. No. 1 and his agents for the furtherance of the prospects of the results of the election of resp. No. 1.

The full particulars of this corrupt practice mentioned in this para are detailed in schedule E, which forms part of this petition.

(f) That the respt. No. 1, his agents or other persons with his consent or his agent's consent promoted or attempted to promote feelings of hatred between Hindus and Muslims, on the ground of religion and community for the furtherance of the prospects of the election of respondent No. 1, and to prejudicially affect the election of respondent No. 2. The particulars of the corrupt practice mentioned in this para are detailed in schedule E* which forms part of this petition.

(g) That respondent No. 1 offered illegal gratification to Shri Bhagvandas who was a candidate of the Hindu Maha Sabha to withdraw his candidature from the election. The corrupt practice mentioned in this para are detailed in Schedule G which forms part of this petition.

(h) That the agents of resp. No. 1 with the consent of resp. No. 1 offered illegal gratification to one Bagdram to withdraw from contest and also to procure his votes as well as the votes of his caste (Schedule H).

(i) That the respondent No. 1, his agents or other persons with his or his agents' consent arranged meetings, used slogans, showed posters, distributed

leaflets and played gramophone records to make appeal in the name of Hindu religion for the furtherance of the prospects of the results of election of respondent No. 1 or to prejudicially affect the results of election of respondent No. 2. The particulars of this corrupt practice are mentioned in Schedule* I which forms part of this petition.

(j) That respondent No. 1, his agents or other persons with his or his agents' consent procured or attempted to procure the assistance of many persons serving under the Government of Madhya Pradesh for the furtherance of the prospects of the results of the election of respondent No. 1 or to prejudicially affect the results of the election of respondent No. 2. The particulars of the corrupt practice mentioned in this para are detailed in Schedule* J which forms part of this petition.

(k) That the respondent No. 1, his agents or other persons with his or his agents' consent used undue influence on voters to prejudicially affect the results of the election of respondent No. 2 or for the furtherance of the prospects of the election of respondent No. 1. The particulars of the corrupt practice mentioned in this para are given in Schedule* K appended herewith which forms part of this petition.

(l) That the respondent No. 1, his agents or other persons with his or his agents' consent committed election offences which have prejudicially materially affected the results of the election of respondent No. 2. The particulars of the corrupt practice mentioned in this para are detailed in Schedule L which forms part of this petition.

(m) That the respondent No. 1, his agents or other persons with his or his agents' consent made extensive propaganda for the furtherance of the prospects of his election that if the voter vote for the *Jān Sangh*, i.e. for respondent No. 1 all the taxes of State, Central Government, Panchayats and Municipalities will be stopped and opium cultivation shall be unrestricted and all laws about Harijans shall be repealed. The details of the same are given in schedule * M appended herewith which forms a part of the petition.

7. That the election of respondent No. 1, the returned candidate, is void because his election has been procured by and induced by undue influence, corrupt practices, illegal practices and thus has obtained more than 20,000 votes on account of the corrupt practices and the illegalities committed. Thus the majority of the valid votes have been secured by respondent No. 2.

8. That the respondent No. 3 has been joined as party as he was a contesting candidate.

9. That the Treasury receipt showing a deposit of the requisite sum of Rs. 2,000 (Two thousand only) in the name of the Election Commission as security for the cost of election petition is appended herewith as annexure No. 9.

10. That the petitioner, therefore, prays that the election of respondent No. 1 be declared void, that the respondent No. 1 be declared disqualified for having committed corrupt practices, that the respondent No. 2 be declared elected for having obtained majority of valid votes, and that the costs of this petition be awarded to the petitioner from the respondent No. 1.

Submitted by,

BASANTILAL, Petitioner.

I, **Basantilal**, solemnly declare that the contents of paragraphs 1 to 5 and 8, 9, 10 of the above petition are true within my personal knowledge and para 6 and 7 by acquired knowledge. Verified at Mandsaur, this the 10th Day of April, 1962.

BASANTILAL.

SCHEDULE 'B'

1. That Shri Ratangir the agent of respondent No. 1 who was jointly making propaganda with respondent No. 1 printed, published and distributed leaflets marked annexure No. 1 containing statement of fact with regard to personal character and conduct of petitioner which he believed to be false or did not believe it to be true.

2. That Shri Mohansingh agent of respondent No. 1 distributed these pamphlets on or about 20th February 1962 and 23rd of February 1962 at Degao, Gujardardia,

Malia Semli, Udpura, Bansakhedi, Afjalpur, Sitamau, Bilantri, Dhunharka, Lasudavan Barwan and Khajuri Goud. Shri Badrilal Somani also distributed these pamphlets between 20th and 23rd February 1962 in Gujar Bardia.

3. That Shri Kailash, Satya Narayan of Kayampur and Bapulal Mukati of Kothada Agents of resp. No. 1 distributed these pamphlets at Kayampur Kotada Bahadur, Ranayra, Motipura and Era between 20th and 23rd February 1962.

4. That Shri Misharilal Fafria of Mandsaur Agent of resp. No. 1 distributed these Pamphlets at Nahargarh on 23rd and 24th of February 1962 with consent of resp. No. 1.

5. That these leaflets were distributed by Shri Mohan Singh with the consent of resp. No. 1 between 23rd and 24th February, 1962 in the length and breadth of Sitamau constituency.

BASANTILAL,

I, Basantilal s/o Ratanlal Ji of Mandsaur solemnly declare that the contents of this are true within my personal knowledge and acquired knowledge. Verified at Mandsaur this tenth day of April 1962.

BASANTILAL.

SCHEDULE 'C'

1. That resp. No. 1 offered to the voters of Laduna on 13th Jan., 1962 that he shall give free legal assistance provided that they vote for him.

2. That on 20th January 1962 Shri Trivedi resp. No. 1 in a largely attended public meeting at Nahargarh offered to the voters of Nahargarh free legal aid provided they vote for him.

3. That on 2nd February 1962 Shri Umashankar Trivedi offered to the voters of Kukdeshwar and Manasa free legal assistance in their court work provided they vote for him.

4. That on 15th February, 1962 Shri Umashankar Trivedi Resp. No. 1 offered illegal gratification to the voters of Rampura, Manasa and Kukdeshwar in largely attended public meetings by offering them free legal assistance in court work provided they vote for him.

5. That on 12th February, 1962 Shri Umashankar Trivedi offered illegal gratification of giving free legal aid in court work to the voters of Chandvasa provided they vote for him.

6. That on 16th February and 21st February 1962 Shri Trivedi offered illegal gratification to the voters of Jawad in public meeting by offering them free legal aid in their court work provided they vote for him.

7. That Shri Mohansingh the agent of resp. No. 1 who was jointly canvassing for resp. No. 1 provided wine to the voters of Afjalpur, Khajurigoud, Khedi, Salria, Bisnia on 22nd of February, 1962 and to voters of Semlikaji and Nipania, for procuring their votes on 23rd of February, 1962.

8. That Shri Sampatlal Patwa gave 75/- rupees to Gopal Darji of village Antri on 18-2-1962 for procuring the votes of this village at the instance of his brother Sunderlal Patwa who was making joint canvassing for himself and Shri Trivedi.

9. That Shri Manna lal Patwa father of Shri Sunderlal Patwa candidate for Mansa Assembly constituency and who was jointly canvassing for respon. No. 1 gave Rs. 150/- to Shri Nanga Navak of Danta, Rs. 25/- to Bhawarsingh Chowkidar of Foplia, Rs. 200/- to Manna Bhajaji Gujar of Lasudia on 18th February 1962 for procuring the votes of his community both for Sunderlal as well as for Resp. No. 1.

BASANTILAL.

I, Basantilal solemnly declare that the contents of this schedule are true within my personal and acquired knowledge. Verified at Manduar, the 10th day of April 1962.

BASANTILAL.

SCHEDULE 'D'

1. That the resp. No. 1 used his car for bringing voters from Khandu-Khera and Khajuri Chandrawat on 24th February, 1962.

2. That the Tractor of Shri Kishorsing was procured by Shri Mohansingh who was jointly canvassing for the election along with the resp. No. 1 this tractor was used to bring voters from Zirkan and Zhamkarda and Tankarda. This tractor was also used for sending the voters of Zirkan and Zaval who were carried to Martanganj after they had cast their votes.

3. That Tangas were hired for carrying voters in the town by Doctor Pandey the candidate for Jaora Assembly Constituency who was jointly canvassing along with resp. No. 1 Shri Umashankar Trivedi.

4. That Truck No. MPE 2017 was procured by the Agents of Shri Trivedi the resp. No. 1 for carrying voters from their villages to the polling centre on the pather of Jawad tehsil. While carrying the voters on 24th February, 1962.

5. That truck of Shri Shankarlal was procured by Shri Sunderlal Patwa on 21st February, 1962 for carrying voters from Amadkhedi Bhagal and Amerpura to Kukreshwar. Shri Sunderlal Patwa was jointly canvassing and making joint propoganda with resp. No. 1.

BASANTILAL

I, Basantilal solemnly declare that the contents of this schedule are true within my personal knowledge and acquired knowledge. Verified at Mandasaur, the 10th day of April, 1962.

BASANTILAL

SCHEDULE 'E'

1. That respondent No. 1 on 20th January 1962 appealed to the Brahmin voters at Nahargarh to vote for him as he was their caste fellows.

2. That respondent No. 1 appeal to the Brahmin voters of Laduna to vote for him as he was their caste fellows.

BASANTILAL

I, Basantilal, solemnly declare that the contents of this schedule are true within my personal knowledge and acquired knowledge. Verified at Mandasaur, the 10th day of April, 1962.

BASANTILAL

SCHEDULE 'G'

1. That the respondent No. 1 offered illegal gratification to Shri Bhagwandas a candidate of Hindu-Maha Sabha to withdraw his candidature by promising him to do any of his personal work gratis and also by touching his feet to compell him to withdraw his candidature on the last date of withdrawal.

BASANTILAL

I, Bansatilal, solemnly declare that the contents of this schedule is true within my personal knowledge and by acquired knowledge. Verified at Mandasaur, the 10th day of April, 1962.

BASANTILAL

SCHEDULE 'H'

1. That, Shri Mohansingh who was a candidate of Sitamau Assembly constituency and was carrying on joint campaign of electioneering offered illegal gratification to Shri Bagdiram on or about 18th February, 1962 to procure his vote as well as votes of his community and also to withdraw from the contest.

BASANTILAL

I, Basantilal, solemnly declare that the contents of this schedule is true within my personal and acquired knowledge. Verified at Mandasaur, the 10th day of April, 1962.

BASANTILAL

SCHEDULE 'K'

That Shri Mohansingh was a candidate of Jan Sangh he was contesting and making joint electioneering along with the resp. No. 1. That Shri Mohansingh with the consent of resp. No. 1 procured or attempted to obtain or procure the assistance Shri Jay Dayal Singh B.D.O. Mandasaur for the furtherance of their

election results by using him to canvass for them in villages Nirdhari, Padila Maru, Jagga Khedi, Pilia Karadia and Khandera maru between 13th and 15th February 1962 and 15th and 17th February 1962 in villages Semliakaji, Dawat Khedi Bholia and Sihor.

2. That Shri Mohansingh procured or obtained the services of the Naib tehsildar Shri Mahendra Singh of Mandsaur in canvassing for him to the patels of villages Udpure, Ramal Patel of Dagao, Jetram Patel of Marukhedi and Ramjal Patel of Jagga Khedi.

3. That the resp. No. 1 obtained the services of patwaries of village Afjalpur for the furtherance of the prospects of the results of election through Shri Mohansingh. Patwari Onkarial made arrangements of the meeting of Jansangh on 2nd February 1962 and collected the peoples to remain present in the meeting at Afjalpur. The services of sub-Inspector of Police were also obtained in organising the meeting of Jansangh.

4. That on 2nd February 1962 the resp. No. 1 and Shri Sunderlal Patwa a candidate for Assembly constituency of Manasa procured the service of Shri Chaturvedi tehsildar Mansa to canvass for resp. No. 1 who inturn canvass to Patels of villages of Devri Khawasa.

BASANTILAL

I, Basantilal solemn declare the contents of this Schedule are true to my personal and acquired knowledge. Verified this the 10th day of April, 1962.

BASANTILAL

SCHEDULE 'L'

1. That Shri Mohansing agent of respondent No. 1 committed election offence by disturbing the election meeting of Congress Party organised on 5th of February 1962 at Kuchrod.

2. That the agents of respondent No. 1 disturbed the Election procession of respondent No. 2 at Kayampur on 22nd February 1962 Shri Kailash and Shri Satyanarayan of Kayampur with the consent of the respondent No. 1 disturbed the election procession and thereby prejudicially affected the prospects of the election of respondent No. 2.

3. That Shri Nathudas agent of Shri Mohansingh made propaganda for Jansangh within 100 yards from the booth at Nakedia polling centre and thereby a number of ladies were prevented from exercising the right for vote.

BASANTILAL

I, Basantilal s/o Shri Ratanlal Jain solemnly declare that the contents of this schedule are true to my personal and acquired knowledge. Verified this the 10th day of April, 1962.

BASANTILAL

[No. 82/213/62.]

S.O. 1553.—In pursuance of the provisions of sub-section (i) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 319 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Atamdas, s/o Shri Jiandas, Hem Singh Ki Parade, Lashkar, calling in question the election to the House of the People from the Bind constituency of that House of Shri Surya Prasad s/o Shri Hariram, Jatava, Madhoganj, Lashkar, Gwalior (Madhya Pradesh).

BEFORE THE ELECTION COMMISSION OF INDIA

ELECTION PETITION No. 319 OF 1962

Atamdas son of Jiandas age 49 years resident of Hem Singh Ki Parade, Lashkar.—*Petitioner.*

Versus

1. Surya Prasad son of Hariram, Jatava, resident of Madhoganj, Lashkar, Gwalior (M.P.).

2. Tej Singh, resident of Ward No. 3 Dattapura Morena, Pargana and District Morena.

3. Bhojraj Kasedia, resident of Mohalla Uttampura Morena, Pargana and District Morena.
4. Pyada, resident of Village Chandupur, Pargana and District Bhind.
5. Prahlad Das, resident of Mohalla Etawah Road. Cotton Jin, Bhind, Paragana and District. Bhind.
6. Harpal, resident of Village Gorami Pargana Mahgaon, District Bhind.

Non-Petitioners.

Election petition under Section 80 of the Representation of Peoples Act of India, 1951, calling in question the election of Shri Surya Prasad Non-petitioner No. 1 to the Lok Sabha of India from the reserved Lok Sabha Constituency of Bhind No. 1 in the last General Elections of India held in February, 1962.

May it please Your Honour,

The humble petitioner most respectfully, submits as under:—

1. That the reserved Lok Sabha Constituency of Bhind, No. 1 of India was called upon by the Hon'ble President of India to elect its member for the Lok Sabha of India on the 13th January, 1962. The Collector District Bhind and Collector District Morena were duly appointed Returning Officer and Assistant Returning Officer respectively for the aforesaid election. The Returning Officer called the nomination papers of the prospective candidates to be filed for the same by the 20th January, 1962. The 22nd January, 1962 was fixed for the scrutiny of the nomination forms, and the 25th January, 1962 was fixed for withdrawal of the nominations.

2. That the nomination papers of the petitioner and the non-petitioners Nos. 1 to 6 were duly filed for the aforesaid election. On the date of the scrutiny the 22nd January, 1962 the petitioner filed objections (copy given on Annexure A)* against the nomination papers of non-petitioners No. 1 which were dismissed by the Returning Officer by his order of the same date (copy given on annexures, B,* C,* D,* E,*) and the nomination papers of all candidates were accepted by the said Returning Officer. The Returning Officer declared the list of contesting candidates, including the names of the petitioner and the non-petitioners Nos. 1 to 6.

3. The polling for the aforesaid Lok Sabha Constituency was held along with the Madhya Pradesh Assembly Constituencies included in the aforesaid Lok Sabha Constituency on the following dates:—

Bhind, Atar—19th February, 1962.

Morena—21st February, 1962.

Ambah, Jora—22nd February, 1962.

Gohad, Dimni, Mahgaon—24th February, 1962.

4. That the counting of the votes for the aforesaid Lok Sabha Constituency, was done on the 26th, 27th, 28th February and 1st March, 1962 at Bhind and Morena by the said Returning Officer and Assistant Returning Officer respectively and the Assistant Returning Officer communicated the result of the Assembly Constituencies comprised in the aforesaid Lok Sabha Constituency to the Returning Officer at his headquarters at Bhind. Counting of the Morena Assembly Constituency part began on the 27th February, 1962 and due to recounting continued upto the 28th and the Assembly Constituency Jora part was taken up for counting on the 1st of March, instead of 28th February, 1962, and the record of it was sent to Bhind from Morena at about 8.30 P.M. which reached thereafter 10.30 P.M. in the night. At about dead of night on the 1st of March, 1962, the Returning Officer declared the result of the aforesaid election in the absence of the petitioner as given below:—

Name of the candidates		No of valid votes secured
1	Atamdas Petitioner	72935
2	Surya Pd. Non-petitioner No. 1	75567
3	Tcj Singh „ No. 2	22301
4	Bhojraj „ No. 3	9829
5	Pyada „ No. 4	9625
6	Prahlad Das „ No. 5	20940
7	Harpal „ No. 6	16225
Total valid votes		227422
No. of rejected votes		10873
Total Votes cast		238295

*Not printed.

The petitioner and non-petitioner No. 1 were declared to have secured 72935 and 75667 valid votes respectively and consequently the Returning Officer declared the non-petitioner No. 1 to have been elected to the aforesaid Lok Sabha Reserved Seat of Bhind on the 1st of March, 1962.

5. That soon after the counting of the last part of the said Lok Sabha Constituency (comprised in the Morena Assembly Constituency) was over on the 1st of March, 1962 at Morena, the petitioner requested the Assistant Returning Officer for a recount of the votes, he told the petitioner that the request should be made to the Returning Officer at Bhind a place at about 60 miles distance from Morena. The petitioner phoned to the Returning Officer and asked him for recount of votes. The Returning Officer asked the petitioner to submit written application. The petitioner also dispatched a telegram to the Returning Officer for the same purpose. When the petitioner reached Bhind next morning and submitted written application to the Returning Officer he was told that the result had already been declared by him during the previous night. Thereupon the petitioner sent applications to the Chief Election Commission New Delhi dated 6th March, 1962 but no purpose.

6. That the said declaration of the said Returning Officer declaring Respondent No. 1, Shri Surya Prasad as elected to the Reserved Lok Sabha Constituency of Bhind is illegal and void and the petitioner claims to be declared as duly elected for the same on the following grounds:—

- (a) That the nomination papers of the non-petitioner No. 1 was not in accordance with the provisions of the Representation of Peoples Act and Rules framed thereunder and consequently deserves to be rejected.
- (b) That acceptance of the nomination papers of the non-petitioner No. 1 was illegal in as much as the said nomination papers did not contain the name of Lok Sabha Constituency as regards the number of the proposer in entry No. 2. This was a material contravention of law and all his nomination papers ought to have been rejected on this ground.
- (c) That the aforesaid nomination papers of the non-petitioner No. 1 did not further contain a declaration by him specifying the area in relation to which the caste to which he belongs, is a Scheduled Caste as required by Section 33(2) of the Representation of Peoples Act. Therefore the nomination papers of the Non-petitioner No. 1 were illegal and void. The acceptance of his nomination papers has materially affected the result of the said election.
- (d) That the counting of the votes was not done properly. The counting of votes for Morena Assembly Constituency, which was a part of the aforesaid Lok Sabha Constituency, was done thrice and after that the correct result could be declared. That reveals how carelessly the counting was done. And if a recount of the votes polled for the aforesaid Lok Sabha Constituency were held it would certainly have revealed that the petitioner got a larger number of votes than the non-petitioner No. 1.
- (e) That the counting of votes was done at Bhind and Morena—two places sixty miles apart. Moreover it was not done in accordance with the provisions of Rule 60. It was not continuous and no directions contained in the above Rule were observed when it was suspended.
- (f) That the counting of the last part of the aforesaid Lok Sabha Constituency (the part of the Morena Assembly Constituency) was done at Morena by the Assistant Returning Officer. Immediately a request for recount was made by the petitioner which was illegally refused on the ground that it should be made to the Returning Officer. The petitioner phoned to the Returning Officer who paid no heed to the telephonic request for the same and demanded written application at about 7.30 P.M. That petitioner sent a telegram at about 8.15 P.M. on the same night to the Returning Officer for claiming recount. The only other course open to the petitioner was to go to Bhind from Morena and when he reached there next morning he was told that the result was declared last night. The hasty and illegal action of the Returning Officer deprived the petitioner of his valuable legal right of recount and was in direct contravention of the law concerned.
- (g) That the petitioner, inspite of all his efforts, was illegally deprived of his right of recount under Rule 63. Rule 63(1) enjoins upon the

Returning Officer to record in the result sheet in Form 20 of the total number of votes polled by each candidate after the total counting of votes and announce the same. And after such announcement the petitioner could apply in writing to the Returning Officer for a recount of all the ballot papers, already counted. Keeping in view the fact that the two counting centres were 60 miles apart, and the telegram and telephonic request of the petitioner the Returning Officer ought to have given reasonable opportunity to the petitioner to appear before him. Under the circumstances mentioned above, it becomes quite clear that the petitioner was refused all opportunities for a recount of all the ballot papers.

- (h) That the number of rejected ballot papers is very heavy and the counting of ballot papers for the Morena Assembly Constituency by the same counters was revealed most unsatisfactory. And the counting of other sub-constituencies was in no way better. Therefore there was no reason for not according the same facility to the petitioner. There was very heavy polling in favour of the petitioner and the margin of votes between the petitioner and non-petitioner No. 1 is very small, i.e. 2632. There is no doubt that on a recount of ballot papers the petitioner would be found to have secured a larger number of votes than the non-petitioner No. 1.
- (i) That the procedure followed by the Returning Officer about counting of ballot papers was wholly illegal and *ultra vires* the Rules. It paid no attention at all to the proviso to the aforesaid Rule 63.
- (j) That a large number of ballot papers given to the petitioner would be found to have been illegally included in the ballot papers of the non-applicants.
- (k) That out of the total number of rejected ballot papers more than four thousand were cast for the petitioner. They were improperly and illegally rejected in direct contravention of Rule 56(2) of the said Rules. This has materially affected the result of the election. In fact the petitioner has polled more votes than non-petitioner No. 1 and on recount it would be found that the petitioner has secured more valid votes than the non-petitioner No. 1.
- (l) That the petitioner has deposited a sum of Rs. Two thousand into the Treasury Banking with State Bank of India at Gwalior in favour of the Secretary of Election Commission of India, New Delhi as security for the costs of the petition and the receipt dated 12th April, 1962 is enclosed herewith.

7. Therefore the petitioner, most respectfully prays:—

- (a) That after counting all the ballot papers it be declared, that the petitioner received the largest number of votes among all the contesting candidates for the said Bhind Lok Sabha Constituency and the petitioner be declared elected, and/or
- (b) That the election of non-petitioner No. 1 Shri Surya Prasad for the Reserved Bhind Lok Sabha Constituency No. 1 of India be declared void, and/or
- (c) That it may be declared that the illegal acceptance of the nomination papers of the non-petitioner No. 1 has materially affected the result of the aforesaid election and therefore the aforesaid election is wholly void.
- (d) The petitioner may be allowed his costs.

Your honours humble petitioner.

Dated 14th April, 1962.

ATAM DASS,
son of Jiwandas resident of Hem
Singh Ki Parade, Lashkar, Gwalior.

I, Atamdas, petitioner verify on oath that para Nos. 1 to 6 are true to my knowledge and para No. 7 is believed by me to be true. Verified this day the 14th April, 1962 at Gwalior.

ATAM DASS,
son of Jiwandas.

To

The Chief Election Commission.

SUBJECT:—*Complaint against the Returning Officer for Lok Sabha of India Bhind Constituency, Madhya Pradesh and request for re-count.*

Sir,

1. The applicant was a candidate for election for the Lok Sabha Constituency of Bhind in Madhya Pradesh. The said Constituency consisted of Four Assembly Constituencies of Bhind Distt., i.e. Bhind, Ater, Mahgaon and Gohad and four Assembly Constituencies in Morena Distt. i.e. Morena, Dimny, Ambah and Jora. The Collector of District Bhind was the Returning Officer and the Collector of Morena Distt. was the Assistant Returning Officer for the said Constituency. The counting of votes of polling station situate in the said Distts. was done by their respective Collectors. The Collector of the Distt. of Morena used to send the records to the Collector of Bhind after counting of votes of the Polling Stations situate in his own Distt.

2. The counting of votes of the Assembly Constituency of Jora was done on the 1st of March 1962. Soon after the counting the applicant demanded recount but the Assistant Returning Officer (Collector Morena) told him that the same should be demanded from the Returning Officer. Thereupon the applicant phoned to the Returning Officer at Bhind from Morena (Telephone No. 108) requesting recount, at 7 P.M. The Returning Officer asked the applicant to submit application containing grounds for the same. Thereafter the applicant sent a telegram to the Returning Officer from Morena and submitted written application to the Assistant Returning Officer at Morena. As it was about 10 P.M. and Bhind is about 60 miles from Morena, the applicant reached Bhind the next morning and submitted application for recount soon after the Returning Officer reached his office. On submission of his application he was told by the Returning Officer that he had already declared the result of the said election at about midnight and he could do nothing in the matter. Thereupon the applicant sent a telegram to you dated 2nd March, 1962.

3. That when counting is done at two far distant places by two authorities and the Assistant Returning Officer has to send the record to the Returning Officer, no announcement can be made till the results of all polling stations are received by him. The provisions of Rule 63 are:—

“That the completion of the counting the Returning Officer shall record in the result sheet in Form No. 20 the total number of votes polled by each candidate and announce the same” and

“Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election Agents present at the completion thereof have been given reasonable opportunity to exercise the right conferred by sub-rule (2).”

The above rule 63 envisages that under circumstances prevailing as in the present case, that after the receipt of the record from different counting station the completion of the counting and record in the result sheet in Form No. 20 (under para 1 of Rule 63) has to be done in the presence of the candidates or their Election Agents and for that reasonable time has to be given for reaching his place.

When the counting was done in two places of headquarters of two Distt. sixty miles apart, and the applicant had been asked to submit application for recount with grounds in reply to the telephonic call, sent a telegram and submitted written application at Morena to the Asstt. Returning Officer, he should have waited to allow reasonable time to the applicant and should not have declared the result at midnight in the absence of the candidates concerned. The counting was so faulty that the candidate for the Assembly Constituency of Jora was declared elected after the third count. Under these circumstances it was most improper to act in such haste, more so when the Congress Candidate was declared elected by a narrow margin of 2787 votes only out of a total poll of 238495 votes, giving rise to factual and apparent grievances.

4. The above facts would reveal to you that the said Returning Officer did not act in accordance with the law and did declare the result in such haste which has no appearance of impartiality.

5. Therefore it is requested that you would very kindly order recounting of votes and take suitable steps to check such undesirable acts by the Returning Officer in the name of the sanctity and purity of Indian Elections.

Dated: 6th March, 1962.

Yours faithfully,
Sd/- ATAMDAS,

Candidates for the Bhind Reserved Lok Sabha
Constituency, resident of Hemsingh Ki Parade, Lashkar,
Gwalior (M.P.)

I, Atamdas, verify on oath that the above is true copy of the application dated 6th March, 1962 sent by me; verified at Lashkar on 14th April, 1962.

ATAMDAS,

Chief Election Commission New Delhi Recount application for Bhind Lok Sabha election Assistant Returning Officer Collector Morena rejected. Returning Officer Collector Bhind inspite of telephone and telegram hastily declared result application rejected margin very short. Kindly order recount.

Atamdas Candidate

Bhind Lok Sabha Constituency
Hem Singh ki Parade, Lashkar.

True Copy.

I, Atamdas, verify on oath that the above is the true copy of the telegram sent to Chief Election Commission on 2nd March 1962.

ATAMDAS,
[No. 82/319/62.]

New Delhi, the 16th May 1962

S.O. 1554.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the election petition No. 342 of 1962, presented to the Commission on the 8th May, 1962 under section 81 of the said Act by Shri Shah Mohamad Umair, son of Shri Shah Ishfaq Hussain, village Makdumpur Kabir, P.O./P.S. Arwal, District Gaya calling in question the election to the Council of States by the elected members of the Legislative Assembly of the State of Bihar of Shri Mohan Singh Oberoi, son of Shri Attar Singh Oberoi, 7, Alipur Road, Delhi.

To

The Election Commissioner of India,
NEW DELHI.

ELECTION PETITION No. 342 of 1962

In the matter of an election petition under sections 80 and 81 of the Representation of People Act 1951 (Sec. 43 of 1951).

AND

In the matter of election to the Council of States (Union) within the State of Bihar held in the month of March, 1962.

In the matter of Shah Mohamad Umair S/o Shah Ishfaq Hussain of village Makdumpur Kabir P.O./P.S. Arwal, distt. Gaya—*Petitioner.* (Plaintiff).

Versus

Mohan Singh Oberoi S/o. Sri Attar Singh Oberoi, 7, Alipur Road, Delhi—*Opposite Party* No. 1. (Respondents), 1st Party.

Names of Party.

1. Dass, Mahabir.
2. Matin, Qazi S. A.
3. Mallik, Dharendra Chandra.
4. Varma, Bepin Behary.
5. Sandil, Kedar Nath.
6. Sinha, Inderadeep.
7. Singh, Kailashpati.
8. Sinha, Ganga Sharan.

9. Singh, Jagat Kishore Pd. Narayan.

10. Syed, Mahmud—Opposite parties. (Respondents—2nd party).

The humble application of the petitioner aforementioned most respectfully sheweth:—

1. That the petitioner was the official candidate of the Congress party for the biennial election to the Council of State from the State of Bihar in the last General Election held in the month of March, 1962.

2. That the opposite parties respondents were also contesting having been declared by the Returning Officer to be duly nominated for contesting the aforesaid election.

3. That the Opposite Party No. 1 was the official candidate from Jharkhand Party and the rest of the respondents—opposite party were contesting on behalf of different parties as shown above.

4. That the Returning Officer Shree E Rahman declared the opposite party No. 1 as duly elected on 29th March, 1962 and the result of the Polling was as below:—

Date of application for the copy	Date fixed for notifying the requisite No. of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over the copy to the applicant
4-5-1962	4-5-1962	4-5-1962	5-5-1962	5-5-1962

Value of votes— 29800. Quota— $\frac{298 \times 100}{7} \text{ plus } 1$ 3726.
7 plus 1

Sl. No.	Names of Candidates	Value of votes at first count
1.	Oberoi, Mohan Singh	3500.
2.	Dass, Mahabir	1500
3.	Matin, Qazi S. A.	200
4.	Mallik, Dharendra Chandra	Nil
5.	Varma, Bepin Behary	12200
6.	Shah Umair	1400
7.	Sandil, Kedar Nath	300
8.	Sinha, Indradeep	2200
9.	Singh, Kailashpati	Nil
10.	Sinha, Ganga Sharan	3800
11.	Singh, Jagat Kishore Pd. Narayan	4400
12.	Syed, Mahmud	300
	TOTAL	29,800

5. That the petitioner submits that the election of opposite Party—Respondent No. 1 is void and vitiated and further submits that the entire election is void.

6. That the Respondent—Opposite Party No. 1 was illegally and improperly nominated as a candidate to contest the aforesaid election in as much as the opposite party No. 1 was suffering from statutory disqualifications from being nominated as a candidate to contest the said election and the nomination of Opposite Party No. 1 has materially affected the result of the said election and opposite party's success has made the entire election illegal.

7. That the said Opposite Party No. 1—Respondent was on the Electoral Roll of Delhi Sadar Parliamentary Constituency and was the ordinary resident of 7, Alipur Road, Delhi and his name was appearing as such in Serial No. 1216, Vol. No. XXVI (Alipur Road) Part 224.

8. That the Opposite Party No. 1 contested the General Santhal Parganas Parliamentary Constituency (Lok Sabha) and lost the seat to the Congress candidate and such declaration was made on the 2nd of March, 1962.

9. That on the 3rd of March, 1962 after the defeat on the 2nd of March, the Opposite Party No. 1 made a claim application for inclusion of his name on the Electoral Roll from Ranchi (Bihar) Assembly Constituency before the Electoral Registration Officer, Ranchi, (Vide *Anx. A) and showed his residence as House No. — — Chandra Bhawan, Mahalla Baralal Street, Ranchi, P.S. Ranchi, Dist. Ranchi and also made declaration therein that the opposite party was ordinarily resident at the address given above and also made prayer that his name may kindly be excluded from the Electoral Roll from Sadar Parliamentary Constituency in Delhi.

10. That on 6th March 1962 the Electoral Registration Officer ordered that Sri Mohan Singh Oberoi S/o Sri Attar Singh Oberoi of Baralal Street, Commissioner's Compound, Lake Road, Ranchi, has filed an application in Form 6 appended to the Registration of Electoral Rules, 1960 in duplicate for inclusion of his name in the Electoral Roll of Ranchi Constituency under sub-section (2) of Section 23 of the Representation of People Act 1950 and also ordered to display one copy of the application on the notice board of his office together with a notice inviting objection to this application within 12th March 1962.

11. That on 12th March 1962 the order was passed to this effect that the petitioner may be registered as an elector in Ranchi Assembly Constituency and an intimation to this effect was sent to the Electoral Registration Officer, Delhi Parliamentary Constituency on the same date i.e. 12th March 1962 vide his Office memo No. 211 and his name was said to have been deleted on the 13th of March, 1962 from Delhi Electoral Roll (Vide *Anx. ———).

12. That on 14th February 1962 the Opposite Party No. 1 files a nomination paper for Election to the Council of State in Bihar, though the proposer Dhan Singh Munda and the address given in such nomination paper was House No. 21, Lake Road, Ranchi, Electoral Roll, serial number 2038 Ward No. 2, Part No. X, Ranchi Assembly Constituency within Ranchi East Parliamentary Constituency, Bihar and the Opposite Party No. 1 assented to this nomination paper and declared that he has completed the age of sixty three years but did not take affidavit or declaration regarding the truthfulness of his ordinary residence or other particulars (Vide *Anx. E).

13. That this nomination paper was filed at 2-50 p.m. before the Asstt. Returning Officer on 14th March 1962 and was accepted by Sri E. Rahman, Returning Officer on 16th March 1962 without properly examining the validity of the nomination on the basis of new entries and deletion of his name in Delhi Constituency.

14. That the scrutiny was made on 16th March 1962 and 19th March 1962 was fixed for withdrawal of the candidature, and the following persons who were on the final list contested the election which was held on 29th March 1962:—

1. Oberoi, Mohan Singh.
2. Dass, Mahabir.
3. Matin, Qazi S. A.
4. Mallik, Dharendra Chandra.
5. Varma, Bepin Behary.
6. Shah Umair.
7. Sandil, Kedar Nath.
8. Sinha, Indradeep.
9. Singh, Kailashpati.
10. Sinha, Ganga Sharan.
11. Singh, Jagat Kishore Prasad Narayan.
12. Syed, Mahmud.

15. That the following persons were declared to be duly elected with the result given as below on 29th March 1962 as declared by the Returning Officer:—

"DECLARATION"

In pursuance of Section 66 of the Representation of the People Act, 1951, I declare that:—

1. Varma, Bipin Behary of V. & P.O. Devanji-ka-Shikarpur, Distt. Champaran.
2. Mallik, Dharendra Chandra of Dhanbad.
3. Singh, Jagat Kishore Prasad Narayan of V. Barakhurd, Tola Noniya Bigha, P.O. Barakhurd, Distt. Patna.
4. Sinha, Ganga Sharan of V. Kharagpur, P.O. Amhara, Distt. Patna.
5. Syed, Mahmud of Haque Manzil, Chapra.
6. Oberoi, Mohan Singh of Chander Bhawan, House No. 21, Lake Road, Ranchi.
7. Dass, Mahabir of Lalu Chak, Bhagalpur-5.

have been duly elected by the elected members of the Bihar Legislative Assembly to fill the seats in the Council of States of the seven members retiring on the 2nd April, 1962 on the expiration of their term of office.

Sd/- E. RAHMAN,

Returning Officer

16. That this election of the Opposite Party—Respondent No. 1 is void, illegal and inoperative in as much as it is hit by sections 19, 20 and 23 etc. of the Representation of the People Act, 1950 as the Opposite Party No. 1 has lived in his Constituency for a few hours only before the filing of nomination on 14th March 1962.

17. That the Opposite Party No. 1 was the ordinary resident of Delhi and as such was an Elector in Delhi Constituency and only a week before he filed the nomination for the Council of States, he applied for a change of the Constituency from Delhi to Ranchi Town Constituency after his defeat in the Lok Sabha Constituency on 2nd March 1962 from Godda General Parliamentary Constituency.

18. That the Opposite Party has filled up the wrong nomination paper in as much as the house in which is shown as the dwelling house of the opposite party No. 1 does not stand in his name in the Municipal Register as has been prepared by the Ranchi Municipality and cuts the very root of the Opposite Party's stand as an ordinary resident.

19. That the Opposite Party is liable to be prosecuted u/s 31 for making false representation and declaration.

20. That the entertainment of the application for enrolment dated the 3rd March, 1962 by the Electoral Registration Officer is illegal as it is hit by Sec. 23(2) for changing form of the Representation of People Act, 1950 and which cuts the root of jurisdiction itself.

21. That the declaration of Opposite Party No. 1 is false in as much as the Opposite Party No. 1 is changing the identity of the house and address of residence at every stage and which makes the position of the Opposite Party No. 1 shaky and the whole case suspicious and void.

22. That the intimation of the Chief Electoral Officer *vide* his letter dated the 13th of March, 1962 No. F. 11(I)/62 Elec. to the Electoral Registration Officer, Ranchi (Bihar) is suspicious and the exclusion of the aforesaid intimation makes the position of the Opposite Party No. 1 suspicious and shaky and which vitiates the entire election.

23. That the entire procedure and in respect of inclusion of the Opposite Party No. 1's name in the Electoral Roll in Ranchi Constituency is void as seven days clear notice for objection was not given by the Registration Officer.

24. That the Opposite Party No. 1 has got contracts under Government and is making profits thereof and did not produce clearance or discharge certificate for such contracts—hence his election is void on this score also. Opposite Party No. 1 has got large Railway Contracts such as Assam Link, etc. and is the Chairman and Director of Mines Private, New Delhi to the Civil Supplies and is getting personal profits thereof.

25. That the Returning Officer is wrong in accepting the nomination paper of Opposite Party No. 1 in accordance with Section 36 of the Representation of People Act, 1951.

26. That the election of the Opposite Party No. 1 and the whole election is vitiated, illegal and inoperative.

27. That the opposite Party No. 1 has indulged in many corrupt practices such as purchasing of votes etc. from Jharkhand and other party member of the disor legislature belongs to different parties.

PRAYER

(A) It is, therefore, prayed that it be declared that the election of the returned candidate—Respondent No. 1, Shri Mohan Singh Oberoi to the Council of State from Bihar is wholly void and illegal and

(B) It is further prayed that the whole election dated 29th of March, 1962, be declared null & void and suitable orders may kindly be made for re-election. And for this the petitioner shall ever pray.

Date: 8th May 1962.

(Sd.) SHAH MOHAMAD,

Petitioner.

VERIFICATION

I, Shah Mohamad S/o Shah Ishfaq Hussain declare that the contents of all the paragraphs contained in the petition are true to the best of my knowledge and belief.

Verified at Patna on the date

Date: 8th May 1962.

(Sd.) SHAH MOHAMAD,

Petitioner.

[No. 82/342/62.]

New Delhi, the 19th May 1962

S.O. 1555.—Whereas the election of Shri Laxmi Mal Singhvi as a member of the House of the People from the Jodhpur constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951, (43 of 1951), by Shri Narendra Kumar Sanghi S/o Shri Motilal Sanghi, Ghanshyam Bhawan, Paota, Jodhpur;

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Roshan Lal Mehta, District and Sessions Judge, Jodhpur as the member of the Election Tribunal for the trial of the said petition and Jodhpur, as the place where the trial of the petition shall be held.

[No. 82/303/62.]

S.O. 1556.—Whereas the election of Shri Murarka Radhey Shyam Ram Kumar, as a member of the House of the People from the Jhunjhunu constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Balji son of Suleman, Near Idga Masjid, Sikar Town, Rajasthan;

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Roop Singh Rathore, District & Sessions Judge, Jhunjhunu as the member of the Election Tribunal for the trial of the said petition and Jhunjhunu as the place where the trial of the petition shall be held.

[No. 82/295/62.]

S.O. 1557.—Whereas the election of Shri Murarka Radhey Shyam Ram Kumar, as a member of the House of the People from the Jhunjhunu constituency of that House, has been called in question by an election petition presented under Part VI

of the Representation of the People Act, 1951 (43 of 1951), by Shri Ridmal Singh, Village Lama, Tehsil Chirawa, District Jhunjhunu,

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Roop Singh Rathore, District & Sessions Judge, Jhunjhunu as the member of the Election Tribunal for the trial of the said petition and Jhunjhunu as the place where the trial of the petition shall be held.

[No. 82/269/62.]

By Order,

K. K. SETHI, Under Secy.

New Delhi, the 19th May 1962

S.O. 1558.—In pursuance of sub-rule (5) of rule 80 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Sewak, Village Mawaiya Post, Ragaul, District Hamirpur	Hamirpur

[No. UP-HP/61/62(20).]

By Order,

C. B. LAL, Under Secy.

New Delhi, the 21st May 1962

S.O. 1559.—Whereas the election of Shri Malaichamy Thevar as a member of the House of the People from the Periyakulam constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Muthiah, son of Shri Mayandi Thevar, residing at Sankarapuram, Periyakulam Taluk, Madurai District, Madras State;

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri R. Lakshmanan, District Judge, Madurai, as the member of the Election Tribunal for the trial of the said petition and Madurai as the place where the trial of the petition shall be held.

[No. 82/66/62.]

By Order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 22nd May 1962*

S.O. 1560.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the authentication (Orders and other Instruments) Rules, 1958, published with the notification of the Government of India in the Ministry of Home Affairs, No. S.O. 2297 dated the 3rd November, 1958, namely:—

1. These rules may be called the Authentication (Orders and other Instruments) Amendment Rules, 1962.
2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958—
 - (i) in clause (c), after the words “the Director, Military Regulation and Forms,” the words “the Assistant Director, Military Regulation and Forms,” shall be inserted.
 - (ii) for clause (t) the following clause shall be substituted namely:—

“(t) in the case of orders and other Instruments relating to the Ministry of Transport and Communications (Department of Communications and Civil Aviation) by the Wireless Adviser, the Deputy Wireless Adviser or the Assistant Wireless Adviser.”

[No. F.3/3/62-Pub.I.]

FATEH SINGH, Jt. Secy.

New Delhi, the 22nd May 1962

S.O. 1561.—The Central Government is pleased to notify that Maharajkumar Anangodaya Singh Deo, second son of His Highness the Maharaja of Patna, has been nominated by the said Ruler for the purposes of entry 2(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951.

[No. 16/2/62-P.IV.]

S. K. SINGH, Under Secy.

ORDER*New Delhi, the 21st May 1962*

S.O. 1562.—In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Government of the State of Maharashtra, approves with certain modifications, the scheme forwarded by the Government of the State of Madhya Pradesh relating to the reconstitution of the Madhya Pradesh Dental Council, a corporation established under the Dentists Act, 1948 (16 of 1948) and functioning in parts of the States of Maharashtra and Madhya Pradesh, and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely:—

1. **Short title and commencement.**—(1) This Order may be called the Madhya Pradesh Dental Council (Reconstitution) Order, 1962.

(2) It shall come into force on the 1st day of June, 1962.

2. **Definitions.**—In this Order, unless the context otherwise requires:—

- (a) “Act” means the Dentists Act, 1948 (16 of 1948);
- (b) “appointed day” means the date of commencement of this Order;
- (c) “existing Council” means the Madhya Pradesh Dental Council constituted under the Act and functioning immediately before the appointed day in the areas comprised in the Mahakoshal and Vidarbha regions to which the Act extends;
- (d) “Mahakoshal region” means the territories specified in clause (a) of sub-section (1) of section 9 of the States Reorganisation Act, 1956 (37 of 1956);
- (e) “New Council” means the Maharashtra State Dental Council;
- (f) “Vidarbha region” means the territories of the former State of Madhya Pradesh referred to in clause (c) of sub-section (1) of section 8 of the

States Reorganisation Act, 1956 (37 of 1956), which form part of the State of Maharashtra.

3. Reconstitution of the existing Council.—As from the appointed day—

- (a) the existing Council shall cease to function, and the new Council shall function, in the Vidarbha region;
- (b) the existing Council, excluding the members from the Vidarbha region, shall be deemed to be the reconstituted Council for the Mahakoshal region (hereinafter referred to as the Madhya Pradesh State Dental Council);
- (c) the members from the Vidarbha region in the existing Council shall vacate their office and in their place the Government of Madhya Pradesh shall nominate as the members of the Madhya Pradesh State Dental Council such persons as are eligible for election or appointment, as the case may be, as members of a State Dental Council under the provisions of the Act, and shall further nominate the President and Vice-President respectively of the Madhya Pradesh State Dental Council from amongst the members of the said Council;
- (d) the members nominated under sub-paragraph (c) shall hold office for the remainder of the term for which the members in whose place they are nominated were elected or nominated, as the case may be.

4. Transfer of immovable property of the existing Council.—All land belonging to the existing Council shall—

- (a) if situated within the Vidarbha region, pass to the new Council;
- (b) in any other case, continue to vest in the Madhya Pradesh State Dental Council.

Explanation.—In this paragraph, the expression 'land' includes immovable property of every kind and any right in or over such property.

5. Transfer of movable property of the existing Council.—All machinery, stores, articles and other goods belonging to the existing Council shall be divided between the Madhya Pradesh State Dental Council and the new Council in proportion to the number of dentists ordinarily resident in the Mahakoshal region and the Vidarbha region, as recorded on the appointed day in the register prepared under section 31 of the Act.

6. Transfer of cash balances.—The cash balances, whether in the form of cash or securities held by—

- (a) the existing Council; or
- (b) standing to the credit of the existing Council in any bank, treasury or sub-treasury,

immediately before the appointed day, shall, after deducting all the liabilities of the existing Council upto that day, be apportioned between the Madhya Pradesh State Dental Council and the new Council in the manner provided in paragraph 5.

7. Recovery of outstanding fees and other dues etc.—All fees, contributions and other moneys which immediately before the appointed day are due or payable to the existing Council, and on that day remaining unpaid, shall be divided between the Madhya Pradesh State Dental Council and the new Council in the manner provided in paragraph 5.

8. Residuary provision.—Any other assets or liabilities of the existing Council immediately before the appointed day, not expressly hereinbefore provided for shall be the assets or liabilities, as the case may be, of the Madhya Pradesh State Dental Council.

9. Provisions regarding register.—(1) The Madhya Pradesh State Dental Council shall prepare and maintain a register of dentists for the whole of the State of Madhya Pradesh which shall include the names of all dentists included in the register of dentists for the former State of Madhya Pradesh prepared and maintained under section 31 of the Act but shall not include the names of dentists whose residential addresses as recorded in that register on the appointed day show that they are residents of the Vidarbha region.

(2) Until a new register of dentists is prepared under sub-paragraph (1), the register prepared and maintained under the Act and in force immediately before the appointed day, shall on and from that day, excluding the names of the dentists ordinarily resident in the Vidarbha region, be deemed to be

the register of dentists for the Mahakoshal region and accordingly the names of the registered dentists on such register shall, without further fee or charge, be continued thereon for the period for which such registration was made until duly amended or altered under the Act.

(3) The name of any registered dentist on the register who is ordinarily resident in the Vidarbha region shall if he so desires, without further fee or charge, be included in the register of the new Council for the period for which such registration was made by the existing Council until duly amended or altered under the Act by the new Council.

10. **Contracts.**—Where before the appointed day the existing Council has made any contract which on that date is sub-sisting, that Contract shall be deemed to have been made—

- (a) if the purposes of the contract are, as from the appointed day, exclusively relatable to the Vidarbha region, by the new Council;
- (b) in any other case, by the Madhya Pradesh State Dental Council;

and accordingly, all rights and liabilities which have accrued or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of the existing Council, be the rights or liabilities of the new Council or the Madhya Pradesh State Dental Council, as the case may be.

11. **Legal proceedings.**—Where immediately before the appointed day, the existing Council is a party to any legal proceedings instituted in any Court, by or against any dentist or any other person or with respect to any property, rights or liabilities transferred to the new Council under this Scheme, the new Council shall be deemed to be substituted for the existing Council as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

12. **Provisions relating to the employees of the existing Council.**—As from the appointed day, the services of the Registrar and other employees of the existing Council holding office immediately before the appointed day, shall be deemed to have been appointed by the Madhya Pradesh State Dental Council on the same terms and conditions which were applicable to them immediately before the appointed day, until they are duly varied by a competent authority under the Act.

13. **Modifications of the Act.**—As from the appointed day, the Act shall until altered, repealed or amended by the competent Legislature have effect in the State of Madhya Pradesh subject to the modifications specified in the Schedule annexed hereto.

SCHEDULE

(See paragraph 13)

The Dentists Act, 1948 (16 of 1948).

Modifications.—(1) After section 21-A, the following section shall be inserted, namely:—

“21-B. *Temporary provision in respect of the Madhya Pradesh State Dental Council.*—

- (1) The Madhya Pradesh Dental Council constituted under section 21 and functioning and operating in a part of the States of Madhya Pradesh and Maharashtra immediately before the date on which the Madhya Pradesh Dental Council (Reconstitution) Order, 1962, issued under section 4 of the Inter-State Corporations Act, 1957 (36 of 1957), comes into force shall, as from that day—
 - (a) cease to function in the Vidarbha region as defined in paragraph 2(f) of the said Order; and
 - (b) excluding the members from the Vidarbha region, be deemed to be the reconstituted Council for the Mahakoshal region as defined in paragraph 2(d) of that Order.
- (2) As from the date specified in sub-section (1) the members from the Vidarbha region in the existing Council shall, notwithstanding anything contained in section 27, vacate their office and in their place the Government of Madhya Pradesh shall nominate as the members of the Madhya Pradesh State Dental Council such persons as are eligible for election or appointment, as the case may be, as members of a State Dental Council under the provisions of the Act.

further nominate the President and Vice-President respectively of the Madhya Pradesh State Dental Council from amongst the members of the said Council;

- (3) The members nominated under sub-section (2) shall hold office for the remainder of the term for which the members in whose place they are nominated were elected or nominated as the case may be”.

(2) After section 33-A, the following section shall be inserted, namely:—

33-B. Provision in respect of register of dentists for the State of Madhya Pradesh—

- (1) As soon as possible after the date on which the Madhya Pradesh Dental Council (Reconstitution) Order, 1962, issued under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), comes into force, the Madhya Pradesh State Dental Council shall, notwithstanding anything contained in sections 31, 32 and 33, prepare and maintain thereafter a register of dentists which shall include the names of all dentists included in the register of dentists for the former State of Madhya Pradesh prepared and maintained under section 31 but shall not include the names of the dentists whose residential addresses, as recorded in that register on the date of commencement of the aforesaid Order show that they fall in the Vidarbha region as defined in paragraph 2(f) of the Order.
- (2) Until a new register of dentists is prepared under sub-section (1), the register prepared and maintained under section 31 and in force immediately before the date specified in sub-section (1) shall, on and from that date, excluding the names of the registered dentists ordinarily resident in the Vidarbha region, be deemed to be the register of dentists for the Mahakoshal region as defined in paragraph 2(d) of the aforesaid Order, and accordingly the names of the registered dentists on such register shall without further fee or charge, be continued thereon for the period for which such registration was made, until duly amended or altered under the Act.
- (3) The name of any registered dentist on the register who is ordinarily resident in the Vidarbha region as defined in paragraph 2(f) of the aforesaid Order shall, if he so desires, without further fee or charge, be included in the register of the Maharashtra State Dental Council for the period for which such registration was made by the existing Council until duly amended or altered under the Act by the Maharashtra State Dental Council.”

[No. 8/9/61-SR(R).]

P. N. KAUL, Dy. Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 21st April, 1962

S.O. 1563.—Statement of the Affairs of the Reserve Bank of India, as on the 11th May, 1962

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	26,94,13,000
Reserve Fund	80,00,00,000	Rupee Coin	1,34,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	2,96,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted:—	
Deposits:—		(a) Internal	..
(a) Government		(b) External	..
(1) Central Government	49,05,30,000	(c) Government Treasury Bills	70,59,97,000
(2) Other Governments	18,78,10,000	Balances held abroad*	4,79,77,000
(b) Banks	89,03,95,000	**Loans and Advances to Governments	109,85,07,000
(c) Others	151,46,31,000	Other Loans and Advances†	138,97,71,000
Bills Payable	29,77,17,000	Investments	155,25,48,000
Other Liabilities	63,73,42,000	Other Assets	36,37,82,000
	Rupees . . . 542,84,25,000		Rupees . . . 542,84,25,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 11,21,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated, the 16th day of May, 1962,

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of May, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	26,94,13,000		A. Gold Coin and Bullion:—		
Notes in circulation	2161,29,66,000		(a) Held in India	117,76,04,000	
Total Notes issued		2188,23,79,000	(b) Held outside India	..	
			Foreign Securities	105,00,07,000	
			TOTAL OF A		222,76,11,000
			B. Rupee Coin		114,60,90,000
			Government of India Rupee Securities		1850,86,78,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2188,23,79,000	TOTAL ASSETS		2188,23,79,000

Dated the 16th day of May, 1962

M. V. RANGACHARI,
Dy. Governor.

[No. F. 3(2)-BC/62]
A. BAKSI, Jt. Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 16th May 1962

S.O. 1564.—In pursuance of clause (d) of Rule 2 of the Central Advisory Council (Procedural) Rules, 1952, and in supersession of the Ministry of Commerce and Industry Notification No. S.O. 1678 dated the 4th July, 1960, the Central Government hereby appoints Shri K. J. George, Deputy Secretary to the Government of India in the Ministry of Commerce and Industry, to perform the functions of Secretary to the Central Advisory Council.

[No. 1(10)Lic.Pol./62.]

J. S. BAKHSHI, Under Secy.

New Delhi, the 18th May 1962

S.O. 1565.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Chamber of Commerce, Hapur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Chamber for a further period of 3 years from the 2nd June, 1962 upto the 1st June, 1965 both days inclusive, in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(5)-TMP/FMC/62.]

S.O. 1566.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Agra Merchants' Chamber Limited, Agra, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Chamber for a further period of three years from the 2nd June, 1962 upto the 1st June, 1965 both days inclusive, in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(5)-TMP/FMC/62.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 21st May 1962

S.O. 1567/IDRA/6/16.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Gurushanta Pavatappa Gulgully to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 771 dated the 4th April, 1961 for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries, till the 3rd April, 1963 and directs that the following amendment shall be made in the said Order, namely:—

In the said Order after entry No. 21C relating to Shri K. V. Ashokan, the following entry shall be inserted, namely:—

“21D. Shri Gurushanta Pavatappa Gulgully,
42/1444, Station Colony,
Chembur, Bombay.

Persons employed in
industrial undertakings.”

[No. 1(10)L.Pr./60.]

B. R. ABHYANKER, Under Secy.

(Office of the Joint Chief Controller of Imports & Exports)

Bombay, the 28th February 1962

S.O. 1568.—It is hereby notified that in exercise of the powers conferred by Clause 9(C) of the Imports (Control) Order, 1955 (as amended upto 31-3-1961), the Government of India, in the Ministry of Commerce and Industry, propose to cancel the following licences as the concern holding the said licences failed to furnish satisfactory evidence to the Deputy Director of Industries, Baroda Region, Gujarat State, on whose recommendation the licences were issued, to show that they have consumed the raw-materials imported on earlier licences issued for the October/March/1961 licensing period in their factory, thereby committing a breach of one of the conditions andorsed on those licences. The firm have also failed to report the factory's closure to the Licensing Authority at the time of applying for licences for April/Sept./1961 period or at any time thereafter:—

Sl. No.	Licence No. & Date	Value in Rs.	Description of goods	I.T.C. S. No.	rea
1	2	3	4	5	6
1	A. 621015 28-9-1961.	3,750	Cellulose Acetate Butyrate.	101-A-V	G.A. except South & S.W. Africa.
2	A. 621013 28-9-1961.	1,850	Polythylene (Low Density)	113-j.V	Do.
3	A. 621014 28-9-1961.	2,500	C.A. Moulding Powder.	101-V	Do.
4	A. 621016 28-9-1961.	2,140	Acrylic Sheets	113-V	Do.
5	A. 621017 28-9-1961.	1,350	N. S. Hinges	93-94 (a) (ii) -V	Do.
6	A. 621012 28-9-1961.	1,008	Butyal Acetate.	22-31-V	Do.

granted by the Joint Chief Controller of Imports & Exports, Nou Bhavan, Nicol Road, Ballard Estate, Bombay-1 to M/s. Ekco Industries (Udhna Industrial Estate, Udhna, unless sufficient cause against this is furnished to the Deputy Chief Controllers of Imports and Exports, Nou Bhavan, Nicol Road, Ballard Estate, Bombay-1 within 10 (ten) days of the date of issue of this notice by the said M/s. Ekco Industries, Udhna, or any Bank or any other party, who may be interested in them.

In view of what is stated above M/s. Ekco Industries, Udhna, or any Bank or any other party, who may be interested in the above-mentioned licences are hereby directed not to enter into any commitments against the said licences and return them immediately to the Deputy Chief Controller of Imports and Exports, Bombay-1.

M/s. Ekco Industries, Udhna Industrial Estate,
Udhna, Surat District, Gujerat State.

[No. 1/49/62/CDN.II.]

D. CHATTERJEE,

Dy. Chief Controller of Imports and Exports.

(Office of the Deputy Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDER

New Delhi, the 27th April 1962

S.O. 1569.—Whereas M/s. Devi Dayal Metal Industries Private Ltd., 9B/4, Poorvi Marg, Rajendranagar, New Delhi, furnished their cause against Notice No. 47-I/1/1-61/QL-I/Pol/CLA/213, dated 3rd March, 1962, proposing to cancel the import licences No. E280979/61 dated 18-11-61 for Rs. 8,89,047 for Copper Scrap,

No. E280789/61 dated 21-11-61 for Rs. 29,960/- for Copper Sheets, No. E280042/61 dated 5-12-61 for Rs. 49,061/- for Brass, Bronze and similar alloys wrought including the following viz. Wire Rod, Section, sheet Pipe and Tubes and the following manufactures viz Rod and Tubes Cut to Shape and size but excluding chemicals or imitation gold and No. E280756/61 dated 23-11-61 for Rs. 2,21,076/- for Zinc Unwrought as per description subject to the condition in current Red Book, granted to M/s. Devi Dayal Metal Industries Pvt. Ltd., New Delhi by the Deputy Chief Controller of Imports and Exports, Central Licensing Area, New Delhi, and the said cause having been duly considered and the grounds specified in the Notice dated the 3rd March, 1962 referred to above, having been established, Government of India in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, hereby cancel the said licences No. E280979/61 dated 18-11-61, E280789/61 dated 21-11-61, E280042/61 dated 5-12-61 and E280756/61 dated 23-11-1961 issued to the said M/s. Devi Dayal Metal Industries Private Ltd., 9B/4, Poorvi Marg, Rajendranagar, New Delhi.

[No. 47-I/1/1-61/QL-I/Pol/CLA.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports & Exports.



(Indian Standards Institution)

New Delhi, the 9th May 1962

S.O. 1570.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, designs of which together with the verbal description of the designs and the title of the relevant Indian Standard are given in the Schedule hereto annexed, have been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from 15th May 1962.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	 TYPE A	BHC Smoke Generators.	IS:1505-1959 Specification for BHC Smoke Generators.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant types designation being subscribed under the bottom side of the monogram as indicated in the designs.
	 TYPE B			

[No. MD/17:2]

S.O. 1571.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for BHC Smoke Generators details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th May 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	BHC Smoke Generators.	IS:1505-1959 Specification for BHS Smoke Generators.	One Kilogram	3 nP.

[No. MD/18:2]

New Delhi, the 17th May 1962

S.O. 1572.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed, has been cancelled.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	No. and Date of Gazettee Notification in which establishment of the Indian Standard was notified
(1)	(2)	(3)
1.	IS: 1279-1958 Specification for Electrically Welded Mild Steel Boiler and Superheater Tubes [For Design Steam Temperatures not Exceeding 455°C (or 850°)].	S.O. 620 dated 16 March 1959 published in the Gazette of India, Part II—Section 3—Sub-section (ii) dated 21st March 1959.

[No. MD/13:7]

S. O. 1573.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed, have been established during the period 1st May to 15th May 1962.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 725-1961 Specification for Copper Wire Nails (Revised).	IS : 725-1956 Specification for Copper Wire Nails.-	This standard covers the following types of copper wire nails: (a) Rose head boat nails square shank, square point, (b) Countersunk-head boat nails, square shank, sharp square point. (c) Countersunk-head boat nails, square shank, round point. (d) Wrought tacks, and (e) Cut-lath nails (Cut tacks) (Price Rs 2.00).

(1)	(2)	(3)	(4)
2 IS:985-1962 Specification for Lead-Acid Storage Batteries (Heavy Duty) for Motor Vehicles (<i>Revised</i>).	IS:985-1958 Specification for Lead-Acid Storage Batteries (Heavy Duty) for Motor Vehicles.	This standard covers methods of tests, performance and other requirements of lead-acid storage batteries of 6 and 12 volts, commonly known as 'heavy duty' batteries, used as a source of energy for starting, ignition, lighting and other auxiliary purposes for internal-combustion engine (petrol or diesel) propelled vehicles used in public transport and commercial services (Price Rs. 4.50).	
3 IS:1030-1962 Specification for Steel Castings for General Engineering Purposes (<i>Revised</i>).	IS:1030-1956 Specification for Steel Castings for General Engineering Purposes.	This standard covers the requirements for plain carbon steel castings for general engineering purposes (Price Rs. 2.50).	
4 IS:1084-1961 Specification for Hawser-Laid Manila Rope (<i>Revised</i>).	IS:1084-1957 Specification for Hawser Laid Manila Rope.	This Standard prescribes the requirements for three grades of hawser laid manila rope, 25 to 457 mm (or 1 to 18 in.) in size (Price Rs. 3.00).	
5 IS:1085-1961 Specification for Shroud-Laid Manila Rope (<i>Revised</i>).	IS:1085-1957 Specification for Shroud-Laid Manila Rope.	This standard prescribes requirements of three grades of shroud-laid manila rope, 25 to 47 mm (or 1 to 18 in.) in size (Price Rs. 3.00).	
6 IS:1086-1961 Specification for Cable-Laid Manila Rope (<i>Revised</i>).	IS:1086-1957 Specification for Cable-Laid Manila Rope.	This standard prescribes requirements, for three grades of cable-laid manila rope, 127 to 457 mm (or 5 to 18 in.) in size (Price Rs. 3.00).	
7 IS:1145-1962 Specification for Lead-Acid Storage Batteries for Motor Cycles (<i>Revised</i>).	IS:1145-1957 Specification for Lead-Acid Storage Batteries for Motor Cycles	This standard covers methods of tests, performance and other requirements of portable lead-acid storage batteries of 6 volts, used as a source of energy in motor cycles and scooters (including 3-wheel side-car assemblies and auto-rikshas) for ignition, lighting and other auxiliary purposes (Price Rs. 3.00).	
8 IS:1366-1962 Specification for Slotted Round and Cheese Head Machine Screws (1.6 to 20 mm).	..	This standard covers the requirements of round and head machine screws of diameter range 1.6 to 20 mm for coarse pitches and for the following fine pitches : M8 x 1, x M10 x 1.25, M12 x 1.25, M14 x	

(1)	(2)	(3)	(4)
9	IS : 1620-1961 Methods of Test (Chemical) for Industrial Water.	..	1.25, M16×1.5, M18×1.5 and M20×1.5 (Price Rs. 2.00) This standard prescribes the methods of test (chemical) for industrial water. It does not include methods of test specifically applicable to highly contaminated waters, such as sea water, sewage and trade effluents (Price Rs. 10.00).
10	IS : 1878-1961 Test Chart for Lathes (Up to 800mm Swing Over Bed).	..	This standard prescribes the limits of accuracies for lathes up to 800 mm swing over bed (Price Rs. 3.00).
11	IS : 1891-1961 Specification for Rubber and Canvas Conveyor and Elevator Belting.	..	This standard covers the requirements for rubber and canvas belting for conveyors and elevators. Belting, conforming to this specification, is not suitable for applications which involve fire or heat resistance and foodstuff processing (Price Rs. 4.50).
12	IS : 1914-1961 Specification for Carbon Steel Boiler Tubes and Superheater Tubes.	IS : 1279-1958 Specification for Electrically Welded Mild Steel Boiler and Superheater Tubes. (For Design Steam Temperatures not Exceeding 455°C (or 850°F))	This standard covers the requirements for the following series of boiler tubes and superheater tubes : (a) Cold drawn seamless carbon steel tubes (32 kg/mm ² minimum tensile strength); (b) Hot finished seamless carbon steel tubes (32 kg/mm ² minimum tensile strength); (c) Hot finished seamless carbon steel tubes (43 kg/mm ² minimum tensile strength); (d) Cold drawn seamless carbon steel tubes (43 kg/mm ² minimum tensile strength); (e) Electrically welded carbon steel tubes (32 kg/mm ² minimum tensile strength); and (f) Cold drawn electrically welded carbon steel tubes (32 kg/mm ² minimum tensile strength) (Price Rs. 3.00).
13	IS : 1937-1961 Specification for Handloom Cotton Bleeding Madras, Loomstate.	..	This standard prescribes constructional details and other particulars of handloom cotton bleeding Madras, Loomstate (Price Rs. 2.00).

(1)	(2)	(3)	(4)
14	IS :1941-1961 Specification for Electric Motor Sirens	..	This standard lays down the requirements regarding the construction and performance of electric motor sirens (Price Rs. 1.50).
15	IS :1961-1961 Specification for Glass Tableware.	..	This standard prescribes the requirements and the methods of test for ordinary glass tableware, namely tumblers and jugs (Price Rs. 1.50).
16	IS :1970-1961 Specification for Hand Compression Sprayer for Public Health.	..	This standard prescribes the requirements and the methods for testing the performance of hand compression sprayer primarily used for spraying pesticides in the fields of public health (Price Rs. 4.00).
17	IS :1998-1962 Methods of Test for Thermosetting Synthetic Resin Bonded Laminated Sheets	..	This standard prescribes the methods of test for thermosetting synthetic resin bonded laminated sheets of various types (Price Rs. 6.00).
18	IS :2000-1962 Methods of Chemical Analysis of Bauxite.	..	This standard covers the procedures for the determination of loss on ignition, silica, alumina iron oxide, titania, phosphorus pentoxide, lime, magnesia and manganous oxide found in various grades of bauxite (Price Rs. 4.50).
19	IS :2010-1962 Methods for Detection and Estimation of Damage in Jute Fabrics Due to Micro-Organisms.	..	This standard prescribes methods for the detection and estimation of damage in jute fabrics due to micro-organisms (Price Rs. 2.00).
20	IS :2011-1962 Methods for Detection and Estimation of Damage in Jute Yarn and Cordages due to Micro-Organisms.	..	This standard prescribes methods for the detection and estimation of damage in jute yarn and cordages due to micro-organisms (Price Rs. 2.00).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232DR, Dadabhoj Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras, and (iv) 14/69 Civil Lines, Kanpur.

New Delhi, the 18th May 1962

S.O. 1574.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:573-1954 Specification for Trisodium Phosphate, Technical.	S.R.O. 658 dated 26th March 1955.	No. 1 March 1962.	(i) In clause A-3·1 line 8, '0·5 Kg' has been substituted for '1 lb. (or 0·5 Kg)'. (ii) In clause A-3·2, line 2, '50 g' has been substituted for '2 oz (or 55 g)'.	1st June 1962
2	IS:693-1955 Specification for Varnished Cambric Insulated Cables for Electricity Supply (<i>Tentative</i>).	S.R.O. 1597 dated 14th July 1956	No. 2 January 1962.	(i) Under item 4 a new clause as 4·6 has been introduced after clause 4·5. (ii) Under item 5 a new sub-clause has been introduced after clause 5·1. (iii) New figures have been added at the end of Table III. (iv) New figures have been added at the end of Table IV. (v) New figures have been added at the end of Table V. (vi) New figures have been added at the end of Table VI. (vii) New figures have been added at the end of Table VII. (viii) New figures have been added at the end of Table VIII. (ix) New figures have been added at the end of Table IX.	1st June 1962

(1)	(2)	(3)	(4)	(5)	(6)
3	IS:840-1956 Specification for Cashew-nut Shell Liquid (CNSL).	S.R.O. 2203 dated 29th September 1956.	No. 1 February 1962	<p>(i) In clause A-2.2, lines 4 and 5, '20 to 40 mm' has been substituted for '20 to 40 mm (or 0.75 to 1.5 in.)'.</p> <p>(ii) In clause A-2.2, lines 5 and 6, '350 to 750 mm' has been substituted for '350 to 750 mm (or 14 to 30 in.)'.</p> <p>(iii) In clause A-2.2, lines 8 and 9, '6 to 13 mm' has been substituted for '6 to 13 mm (or 0.25 to 0.50 in.)'.</p> <p>(iv) In sub-clause A-3.4.1, line 6, '0.5 Kg' has been substituted for '500 g (or 1 lb)'.</p>	1st June 1962
4	IS:855-1956 Specification for Handloom Cotton Honeycomb Towels, Bleached Striped, Checked or Dyed.	S.R.O. 1481 dated 30th June 1956.	No. 2 March 1962	<p>(i) The existing clause 0.7 has been deleted and substituted by a new clause.</p> <p>(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.</p> <p>(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.</p> <p>(iv) The existing Table I has been deleted and substituted by a new Table.</p> <p>(v) In renumbered clause 3.2, line 3—'5 mm (or $\frac{1}{4}$ in.), 20 mm (or $\frac{3}{4}$ in.) and 5 mm (or $\frac{1}{4}$ in.)' has been substituted for '0.25 in., 0.75 in. and 0.25 in.'</p> <p>line 4—'5 mm (or $\frac{1}{4}$ in.)' has been substituted for '0.25 in.'</p> <p>line 5—'6.5 cm (or 2$\frac{1}{2}$ in.)' has been substituted for '2.5 in.'</p> <p>(vi) The existing renumbered sub-clause 3.2.2 has been deleted and substituted by a new sub-clause.</p> <p>(vii) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.</p>	1st June 1962

(1)	(2)	(3)	(4)	(5)	(6)
				(viii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.	
				(ix) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.	
				(x) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.	
				(xi) In renumbered clause 4.8, Note the existing figures for width and length have been deleted and substituted by new figures.	
				(xii) In clause B-4.1, line 4 '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
				(xiii) In clause B-4.2, line 3, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
5	IS:856-1956 Specification for Handloom Cotton Huckaback Towels, Bleached, Striped, Checked or Dyed.	S.R.O. 1597 dated 14th July 1956.	No. 2 February 1962.	(i) The existing clause 0.7 has been deleted and substituted by a new clause. (ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence. (iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly. (iv) The existing Table I has been deleted and substituted by a new Table. (v) In renumbered clause 3.2, line 3, '5 mm (or 1/4 in.), 20 mm (or 3/4 in.) and 5 mm (or 1/4 in.)' has been substituted, for '0.25 in., 0.75 in. and 0.25 in.'	1st June 1962
				(vi) In renumbered clause 3.2, line 4, '5 mm (or 1/4 in.)' has been substituted for '0.25 in.'	
				(vii) In renumbered clause 3.2, line 5, '6.5 cm. (or 2 1/4 in.)' has been substituted for '2.5 in.'	

(1) (2) (3) (4) (5) (6)

(viii) The existing renumbered sub-clause 3·2·2 has been deleted and substituted by a new sub-clause.

(ix) The existing renumbered clause 4·3 has been deleted and substituted by a new clause.

(x) The existing renumbered sub-clause 4·3·1 has been deleted and substituted by a new sub-clause.

(xi) The existing renumbered clause 4·4 has been deleted and substituted by a new clause.

(xii) The existing sub-clause 4·4·1 has been deleted and substituted by a new sub-clause.

(xiii) In renumbered clause 4·8, Note, the existing figures for width and length have been deleted and substituted by new figures.

(xiv) In clause B-4·1, line 4, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'

(xv) In clause B-4·2, line 3, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'

6 IS:857-1956 Specification for Handloom Cotton Napkins, Bleached, Striped, Checked or Dyed.

S.R.O. 1748 dated 4th August 1956.

No. 2 February 1962

(i) The existing clause 0·7 has been deleted and substituted by a new clause.

1st June 1962

(ii) The first sentence of sub-clause 2·3·1 has been deleted and substituted by a new sentence.

(iii) The existing Table I has been deleted and substituted by a new Table.

(iv) The existing item 3 and clause 3·1 have been deleted and the subsequent items and clauses have been renumbered accordingly.

(v) the existing renumbered clause 3·2 has been deleted and substituted by a new clause.

(1)	(2)	(3)	(4)	(5)	(6)
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7. IS : 858-1956 Specification for Hand-loom Cotton Table Cloth, Bleached, Striped, Checked or Dyed.

S.R.O. 1597 dated 14th July, 1956

No. 2 February, 1962.

(vi) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.

(vii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.

(viii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.

(ix) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.

(x) In renumbered clause 4.8, Note the existing figures for width and length have been deleted and substituted by new figures.

(xi) In clause B-4.1, line 4 '1 mm (or 1/16 in.)' has been substituted for '16 in.'

(xii) In clause, B-4.2 line 3, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'

(i) The existing clause 0.7 has been deleted & substituted by a new clause. 1st June 1962

(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.

(iv) The existing Table I has been deleted and substituted by a new Table.

(v) The existing renumbered clause 3.2 has been deleted and substituted by a new clause.

(vi) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.

(1)	(2)	(3)	(4)	(5)	(6)
				(vii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.	
				(viii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.	
				(ix) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.	
				(x) In renumbered clause-4.8, Note, the existing figures for width and length have been deleted and substituted by new figures.	
				(xi) In clause B-4.1, line 4, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
				(xii) In clause B-4.2, line 3, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
8.	IS : 866-1956 Specification for Handloom Cotton Sponge Cloth, Grey, Striped and Checked.	S.R.O. 1748 dated 4th August, 1956.	No. 2 February, 1962.	(i) The existing clause 0.7 has been deleted and substituted by a new clause.	1st June, 1962.
				(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.	
				(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent item and clauses have been renumbered accordingly.	
				(iv) The existing renumbered clause 3.2 has been deleted and substituted by a new clause.	
				(v) The existing Table I has been deleted and substituted by a new Table.	
				(vi) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.	

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

				(vii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.	
				(viii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.	
				(ix) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.	
				(x) In renumbered clause 4.7, Note, the existing figures for width and length have been deleted and substituted by new figures.	
				(xi) In clause B-4.1, line 4, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
				(xii) In clause B-4.2, line 3, '1 mm (or 1/16 in.)' has been substituted for '1/16 in.'	
9.	IS : 861-1956 Specification for Handloom Cotton, Jaco-net Cloth, Grey, Dressed.	S.R.O.1597 dated 14th July, 1956.	No. 1 February, 1962.	(i) The existing clause 0.7 has been deleted and substituted by a new clause.	1st June, 1962.
				(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.	
				(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.	
				(iv) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.	
				(v) The existing Table I has been deleted and substituted by a new Table.	
				(vi) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.	
				(vii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.	

(1)	(2)	(3)	(4)	(5)	(6)
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(viii) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.

(ix) In renumbered clause 4.5, Note, '75 ± 2 cm. (or 30 ± 1 in.)' has been substituted for '30.0 ± 1.0 in.'

- | | | | | |
|--|----------------------------------|-------------------|--|-----------------|
| 10. IS : 889-1957 Specification for Handloom Worsted Bunting Cloth, Heavy. | S.R.O.1546 dated 18th May, 1957. | No. 1 March, 1962 | <p>(i) The existing clause 0.7 has been deleted and substituted by a new clause.</p> <p>(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.</p> <p>(iii) The existing item 3 and clause 3.1 have been deleted and subsequent items and clauses have been renumbered accordingly.</p> <p>(iv) The existing Table I has been deleted and substituted by a new Table.</p> <p>(v) The existing Table II has been deleted and substituted by a new Table.</p> <p>(vi) The existing renumbered clause 4.2 has been deleted and substituted by a new clause.</p> <p>(vii) The existing renumbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause.</p> <p>(viii) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.</p> <p>(ix) The existing sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.</p> <p>(x) In renumbered clause 4.8, Note 2, '46 or 60 cm. (or 18 or 24 in.)' has been substituted for '18 or 24 in.'</p> | 1st June, 1962. |
| 11. IS : 890-1957 Specification for Handloom Worsted Bunting Cloth, Light. | S.R.O.1546 dated 18th May, 1957. | No. 1 March, 1962 | <p>(i) The existing clause 0.7 has been deleted and substituted by a new clause.</p> | 1st June, 1962. |

(1)	(2)	(3)	(4)	(5)	(6)
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(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent item and clauses have been re-numbered accordingly

(iv) The existing table I has been deleted and substituted by a new table

(v) In renumbered sub-clause 3.2.3, line 1, '15 cm (or 6 in)' has been substituted for '6 in.'

(vi) The existing table II has been deleted and substituted by a new table

(vii) The existing re-numbered clause 4.2 has been deleted and substituted by a new clause

(viii) The existing re-numbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause

(ix) The existing renumbered clause 4.3 has been deleted and substituted by a new clause

(x) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.

(vi) In renumbered clause 4.8, Note 2, '46 or 60 cm (or 18 or 24 in.)' has been substituted for '18 or 24 in.'

IS: 892-1957 Specification for Handloom Woollen Blankets, Natural Grey
S.R.O. 1546 dated 18th May 1957
No. 1 February 1962

(i) The existing clause 0.7 has been deleted and substituted by a new clause 1st June 1962

(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been re-numbered accordingly

(1)	(2)	(3)	(4)	(5)	(6)
				(iv) In renumbered clause 4.1, line 2, '12' has been substituted for '13'	
				(v) The existing renumbered clause 4.2 has been deleted and substituted by a new clause	
				(vi) The existing table I has been deleted and substituted by a new table	
				(vii) The existing renumbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause	
				(viii) The existing renumbered clause 4.3 has been deleted and substituted by a new clause	
				(ix) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause	
				(x) A new sub-clause as '4.3.2' has been added to the standard	
				(xi) In renumbered clause 4.5, line 4, '2.5' cm (or 1 in.) and '5 cm (or 2 in.)' has been substituted for '1 in.' and '2 in.' respectively	
				(xii) The existing table II has been deleted and substituted by a new table	
13	IS:1272-1958 Specification for Coal Tar Solvent Naphtha, Light, Grade 2	S.O. 350 dated 14th February, 1959	No. 1 April 1962	In clause 3.1, line 2, '500 ml' has been substituted for '500 ml (Or 1 pint)	1st June 1962
14	IS:1459-1959 Specification for Kerosines	S.O. 613 dated 12th March 1960	No. 1 April 1962	(i) The existing clause 2.1 has been deleted and substituted by a new clause (ii) In sub-clause 2.1.1, Line 1, 'Grade Special' has been substituted for 'Grade I' (iii) In sub-clause 2.1.2, line 1 'Grade I' has	1st June 1962

(1)	(2)	(3)	(4)	(5)	(6)
				<p>been substituted for 'Grade 2'</p> <p>(iv) In sub-clause 2·1·3, line 1 'Grade 2' has been substituted for 'Grade 3'</p> <p>(v) In table I, col. 3 to 5, 'REQUIREMENT'</p>	
				<p>Grade Special Grade I Grade 2 has been substituted for 'REQUIREMENT'</p>	
				<p>Grade 1 Grade 2 Grade 3</p>	
15 IS:1769-1961 Specification for Cigars and Cheroots	S.O. 2534 dated 28th October, 1961	No. 1 March 1962		(i) The following has been added at the end of clause 1·1:	1st June 1962
				*This standard does not cover the requirements for flavour and aroma of cigars and cheroots'	
				(ii) In clause 3·6, line 4, the following has been substituted for the existing second sentence :	
				'Any added substances shall be of a nature and purity which are suitable for use as a food additive or for use in medicinal or pharmaceutical products in proportions of proved harmlessness'	
16 IS:1770-1961 Specification for Chuttas (Country Cheroots)	S.O. 2154 dated 9th September 1961	No. 1 March 1962		(i) The following has been added at the end of clause 1·1:	1st June 1962
				'This standard does not cover the requirements for flavour and aroma of chuttas (country cheroots).'	
				(ii) In clause 3·6, line 4, the following has been substituted for the existing second sentence :	
				'Any added substances shall be of a nature and purity which are suitable for use as a food additive or for use in medicinal or	

(1) (2) (3) (4) (5) (6)

pharmaceutical products in proportions or proved harmless.

Copies of these Amendment Slips are available, free of cost with the Indian Standards Institution, 'Manak Bhavan', 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, (iii) 2 21, First Line Beach, Madras-1, and (iv) 14/69, Civil Lines, Kanpur.

[No. MD/13:5]

C. N. MODAWAL,
Head of the Certification Marks Division.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 17th May 1962

S.O. 1575.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the Schedule below for placing it at the disposal of The Land and Development Officer, Ministry of Works, Housing and Supply, New Delhi.

SCHEDULE

A plot of land measuring 3.8 acres bearing khasra No. 36 min, 37 min and 208/38/2 min situated in Jhandewala Estate.

The above plot of land is bounded as follows:—

North	Nazul land
South	Nazul land and Jhandewala Road.
East	—do—
West	Nazul Land.

[No. L.2(20)62.]

R. K. VAISH, Secy,

OFFICE OF THE CENTRAL EXCISE, CALCUTTA & ORISSA COLLECTORATE, CALCUTTA

CENTRAL EXCISE.

Calcutta, the 12th May 1962

S.O. 1576.—In exercise of the powers under Rule 233 of the Central Excise Rules, 1944, and in supersession of this Collectorate Notification No. 1/1962, dated 29th January, 1962/9th Magh, 1883-S.E. I hereby direct that all manufacturers of cosmetics and Toilet preparations including those whose products are exempt from the payment of Central Excise duty in terms of the Government of India, Ministry of Finance (Department of Revenue) Notification No. 35-CE/62, dated 24th April, 1962, shall affix a label to each of their products showing the following particulars, namely—

(i) The No. of Central Excise licence in form L. 4; and

(ii) The name of the manufacturer or the name of the owner in case the manufacturer himself is not the owner.

2. A specimen copy of each type of label shall be lodged with the Superintendent of Central Excise concerned before it is brought into use and affixed to the products.

[No. 4/1962.]

R. PRASAD, Collector.

COLLECTOR OF CENTRAL EXCISE, NEW DELHI

CENTRAL EXCISES

New Delhi, the 21st May 1962

S.O. 1577.—In exercise of the powers conferred under rule 233 of the Central Excise Rules, 1944, I order that all the manufacturers of free wheels falling under item 35(i) of first schedule to the Central Excise and Salt Act, 1944 shall maintain the subsidiary accounts of component parts of free wheels in the manner indicated in the proforma appended.

Proforma for the subsidiary Accounts of Component parts of free-wheels to be maintained by Manufacturers of this Item.

Serial No.	Opening balance.			Quantity manufactured			Total		
	Outer ring with teeth.	Inner ring.	Pawl.	Outer ring with teeth.	Inner ring.	Pawl.	Outer ring.	Inner ring.	Pawl.
1	2	3	4	5	6	7	8	9	10

Quantity utilised for assembling of free-wheels			Closing balance		
Outer ring.	Inner ring.	Pawl.	Outer ring.	Inner ring.	Pawl.
11	12	13	14	15	16

[No. 4/62.]

K. NARASIMHAN,
Collector of Central Excise New Delhi.

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE AND
LAND CUSTOMS GOA FRONTIER DIVISION, BELGAUM**

NOTICE

Belgaum, the 19th May 1962

S O. 1578—Where as it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo Goa border were imported by land from Goa (Erstwhile Portuguese possessions in India) in contravention of the Rules and Notifications as mentioned against each.

S No	Date and place of seizure	By whom detected	Description of goods	Qty	Rules contravened.
B Mds. Srs					
1.	14-12-1951 Madsorve Jungle	S R P Pl Commander Ch No 40	Betelnuts in nine bags	6 30	Section 5(1) of the Land Customs Act, 1924 and the Govt. of India Ministry of Commerce and Indus- try Import Trade Con- trol Order No 17/55 dt. 7-12 1955

Now, therefore any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier Division Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly

[No VIII(b)10-59/62]

B J SUARES,

Assistant Collector of C Ex,
Goa Frontier Division, Belgaum

MINISTRY OF MINES AND FUEL

New Delhi, the 21st May 1962

S O. 1579—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952) read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, the Central Government hereby appoints Shri R H Wright of M/s Andrew Yule and Company Limited, 8 Clive Row, Calcutta, as a member of the Advisory Committee on Stowing *vice* Shri A A G Weir, and makes the following amendment in the notification of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No S O 1896 dated the 3rd August, 1961, namely—

In the said notification, in the first column for the entry 'Shri A A G Weir, Messrs Macneill and Barry Limited Calcutta', the entry "Shri R H Wright, Messrs Andr w Yule and Company Limited, 8 Clive Row, Calcutta", shall be substituted

[No C5-4(2)/62]

S P GUGNANI, Dy Secy.

ERRATUM

New Delhi, the 14th May 1962

S.O. 1580.—In the Schedule to the Notification of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 1130 dated the 5th April, 1962, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 14th April, 1962.

(1) At page 1193 of the Gazette—

- (a) in the tabular statement under heading 'Area' omit 'Part', under the heading "Remarks" insert "Part";
- (b) under the heading "Plot Nos. to be acquired in village Gajra" for "24 to 254" read "224 to 254";
- (c) under the heading "Plot Nos. to be acquired in village Ghordewa" for "415" read "413".

(2) At page 1194 of the Gazette—

- (a) under the heading "Plot Nos. to be acquired in village Banki"—
 - (i) for 365/1(P) read 356/1(P);
 - (ii) for 445 read 545;
 - (iii) for 446 read 546;
 - (iv) for 707/1(P) read 701/1(P);
- (b) under the heading "Plot Nos. to be acquired in village Mandwadhora" for "145, 146(P)" read "145-146(P)";
- (c) under the heading "Boundary Description", in the paragraph beginning with "A-B line passes through Plot Nos.":
 - (i) for "358/359" read "358, 359";
 - (ii) for "482/481" read "482/1, 481";
- (d) in the paragraph beginning with "C-D-E line passes through Plot Nos." for "204/75" read "204/1, 75";
- (e) in the paragraph beginning with "E-F-G-H line passes through Plot Nos." for "Mandewa-Dhora" read "Mandwadhora";
- (f) in the paragraph beginning with "I-J-K- line passes through Plot Nos.",
 - (i) for "145, 146" read "145-146",
 - (ii) for "MandewaDhora" read "Mandwadhora";
- (g) in the paragraph beginning with "K/1-L-M-N-O-P-Q-R line passes through Plot Nos." for "along Northern boundary" read "along part Northern boundary".

(3) At page 1195 of the Gazette—

- (a) in the paragraph beginning with "W-X-Y-Z-A/1-B/1-S/3" line passes through" for "W-X-Y-Z-A/1-B/1/S'3" read "W-X-Y-Z-A/1-B-/1-S;
- (b) in the paragraph beginning with "C/1-D/1-E/1" line passes through Plot Nos.", for "Mandewa Dhora" read "Mandwadhora";
- (c) in the tabular statement under the heading "Sub-Block B", for "1530 acres" (Approx.) read "15.30 acres (Approximately)";
- (d) in the paragraph beginning with "G/1-H/1 line passes through Plot Nos." for "696, 762" read "696,693,762";

(4) At page 1196 of the Gazette—

- (a) under the heading "Plot Nos. to be acquired in village Mogra" for "165-66(P)" read "165-166(P)";
- (b) under the heading "Plot Nos. to be acquired in village Purena" for "172 to 174" read "162 to 174";

(5) At page 1197 of the Gazette—

- (a) in the first line for "270/2 ()" read "270/2 (P)",
- (b) under the heading "Boundary Description" in the paragraph beginning with "R,Q,P,O,N,M,L,K/1 line passes through Plot Nos." for "114/113" read "114, 113";
- (c) in the paragraph beginning with "K/1, L/1 line passes through Plot Nos." for "35,36" in village Rohina" read "35,36 in village Purena";
- (d) in the paragraph beginning with "L/1,R line passes through Plot Nos. for 357-358-359-360-356" read "357-358-359-360,356";

(6) At page 1198 of the Gazette—

- (a) under the heading "Plot Nos. to be acquired in village Ghordewa" for "55,56(P)" read "55-56(P)";
- (b) under the heading "Boundary Description", in the paragraph beginning with "T-U-V-W line passes"
 - (i) for "62.59" read "through Plot Nos. 62.59";
 - (ii) for "along the Western of Plot Nos. 58/1" read "along the Western boundary of Plot Nos. 58/1"
 - (iii) for "69, 56, 53" read "through Plot Nos. 69, 56,53".
 - (iv) for "212, 211, 210" read "through Plot Nos. 212,211,210",
 - (v) for "465,464, 463" read "through Plot Nos. 465,464,463",
 - (vi) for "428, 420 in village Ghordewa" read "through Plot Nos. 428, 420 in village Ghordewa"
 - (vii) for "812, 814" read "through Plot Nos. 812, 814";
- (c) under the heading "Plot Nos. to be acquired in village Bankl" for "631/1(P)" read "632/1(P)";

(7) At page 1199 of the Gazette—

- (a) In the first line for "667(P), 700" read "667 to 700",
- (b) In the seventeenth line for "286, 121" read "186, 128";

(8) At page 1200 of the Gazette—

- (a) In the tabular statement under the head "Sub-Block G", for "3442, 91 acres (Approx)" read "3442.91 acres (Approximately)";
- (b) under the head "Plot Nos. to be acquired in village Charpara", for "808/3(P)" read "805/3(P)";
- (c) under the heading "Plot Nos. to be acquired in village Sumadha", for "992/2" read "996/2";

(9) At page 1201 of the Gazette—

- (a) in the fifth line for "Surekachhar" read "Surakachhar",
- (b) under the head "Plot Nos. to be acquired in village Balgikha"
 - (i) for "315(P)" read "415(P)"
 - (ii) for "162/2" read "612/2",
- (c) in the twentyseventh line for "Gagra" read "Gajra",
- (d) in the twentyninth line—
 - (i) for "626" read "526",
 - (ii) for "969, 960" read "969, 963, 960";
- (e) in the thirtleth line—
 - (i) for "836" read "835",
 - (ii) for "Sumandha" read "Sumadha"
- (f) in the forty-fourth line for "Dangariakhar" read "Danganiakhar";

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 16th May 1962

S.O. 1581.—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act, 1910, as in force in India and as applied to the State of Pondicherry, and in partial modification of this Ministry's Notification No. EL.II-3(7)/61, dated the 23rd September, 1961, as amended by Notification of even number, dated the 29th January, 1962, the Central Government hereby appoint Shri Partap Singh, Director (Commercial), Central Water and Power Commission (Power Wing), to be the Electrical Inspector within the Union Territories of Himachal Pradesh, Manipur, Tripura and Andaman & Nicobar Islands and within the State of Pondicherry and Nagaland *vice* Shri D. G. Shinde, with effect from the date he had taken over charge from the latter.

[No. EL.II-3(7)/61.]

ORDERS

New Delhi, the 14th May 1962

S.O. 1582.—In exercise of the powers conferred by sub-rule (1) of rule 133 of the Indian Electricity Rules, 1956, and in continuation of this Ministry's Order No. EL.II-5(13)/61, dated the 8th June, 1961, the Central Government hereby relaxes the provisions of sub-rule (1) of Rule 45 of the said Rules in so far as they relate to the carrying out of the electrical installation work under the direct supervision by a person holding a certificate of competency issued or recognised by the State Government in that behalf, in favour of the Kolar Gold Mining Undertakings, Oorgaum, for a further period of one year and half from the 1st July, 1961, upto the 31st December, 1962.

[No. EL.II-5(13)/61.]

New Delhi, the 16th May 1962

S.O. 1583.—In partial modification of this Ministry's Orders No. EL.II-361(1)/56, dated the 19th January, 1957, and No. EL.II-3(7)/61, dated the 23rd September, 1961, as amended by order of even number, dated the 29th January, 1962, the Central Government hereby authorize the discharge by Shri Partap Singh, Electrical Inspector, of the functions of the State Government under Sections 13, 18 and sub-section (2) of Section 34 of the Indian Electricity Act, 1910, (9 of 1910), and sub-clause (2) of Clause V and Clause XIII of the Schedule to the said Act, in the Union Territories of Himachal Pradesh, Manipur, Tripura and Andaman & Nicobar Islands and within the State of Pondicherry and Nagaland.

[No. EL.II-3(7)/61.]

S.O. 1584.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby direct that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 50(1)(d),
- (iv) Rule 50(1)(b),
- (v) Rule 119(2) & 130,
- (vi) Rule 118(c) & (vii) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model 100 B. Bucvrus Erie electric shovel, serial No. 24218:

- One 50 amps, 3300 volts, Metrovicks oil circuit-breaker, serial No. D89292. (Field Switch).
- One length of 600 feet of 0.04 sq. inch, 4 core, 3.3 K.V. grade, pliable armoured trailing cable.
- One 200 amps, 5000 volts, General Electric Co., make oil circuit-breaker, serial No. 28A8317107.
- One 200 H.P., 3 phase, 2200/3310 volts, Westinghouse Induction motor, serial No. B85C 1883 (385C-1883).
- One set of pull out type ungangged fuse cutouts for primary control of transformers. (Cut out type E, 7500 volts, G.E. make).

Three Westinghouse AJR Hipersial 2400/480/120 volts, single phase, 5 KVA, transformers—serial No. (1) 3752436, (2) 3752437 and (3) 3752438.

One 5 K.V.A., 2.2 KV/115 volts, General Electric Co., make single phase lighting transformer, Cat No. 63 G950

at the open-cast mines, Bermo of M/s Damodar Valley Corporation to the extent that—

- (i) in relaxation of the provisions of Rule 118(a), the 2.2 K.V. portable motor supplied with the special type of shovel may be used at 2.2 K.V.
- (ii) in relaxation of Rule 119(1)(a), the bank of three single phase, 5 KVA, 2400/480/120 volts, delta-delta connected transformers as well as the single phase, 5 K.V.A., 2.2 KV/115 volts, lighting transformer, using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place the same have a portable sense.
- (iii) in relaxation of Rule 50(1)(d), the four 5 KVA transformers specially supplied with the standard Bucyrus Erie shovel, each being controlled and protected by pull out type ungangned manually operated fuse cut-out may be used without linked switch or circuit-breaker on the primary side.
- (iv) in relaxation of Rule 50(1)(b), the bank of three single phase transformers may be used without the requisite linked switch or circuit-breaker inserted on the secondary side of the bank, required to carry and break the full load current.
- (v) in relaxation of the provisions of Rule 119(2) and 130, the secondary system at 480 volts of the bank of three single phase, 5 KVA, 2400/480/120 volts transformers, connected in delta and thus have no neutral point on the secondary side for earthing, is specially considered and may be used.
- (vi) in relaxation of Rule 118(c), the 115 volts system of supply intended for use for lighting purpose within the shovel from the single phase lighting transformer having no mid point for earthing and as such the voltage of the system is obtained between phase and earth and not between phases, as contemplated in this rule, the 115 volts supply is specially considered and may be used.
- (vii) in relaxation of Rule 123(7), the length of 600 feet of 3.3 K.V. pliable armoured flexible cable may be used with the portable machine, and the relaxations shall be subject to the following conditions:
 - (1) The 3.3 K.V. supply to the flexible cable should be provided with earth-leakage protection
 - (2) The installation and wirings inside the shovel should comply with the relevant provisions of the Indian Electricity Rules, 1956, and in particular Rules 115 to 117 and 123 to 125.
 - (3) The operators of the shovel should be duly trained and authorised for operating the shovel with competency and due care to avoid danger.
 - (4) The excavating machining shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit, including the main driving motors shall not be less than 10 megohms.
 - (5) The flexible trailing cable for use with the excavating machine shall be worked with due care so as to avert any danger arising out of it and shall be connected to the electricity supply system and the machine by properly constructed connector boxes.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL-II-5(1)/62.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 14th May 1962*

S.O. 1585.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Soil Conservation Research Demonstration and Training Centres (Class III and IV posts) Recruitment Rules, 1961, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture), No. S.O. 485 dated the 30th January, 1961:—

1. These rules may be called the Soil Conservation Research Demonstration and Training Centres (Class III and IV posts) Recruitment (Amendment) Rules, 1962.

2. In the Schedule to the Soil Conservation Research Demonstration and Training Centres (Class III and IV posts) Recruitment Rules, 1962, after item 9 and the entries relating thereto, the following item and entries shall be inserted, namely:—

Name of post	Classification	Scale of pay	Whether selection post or non-selection post.	Age limit for direct recruits
1	2	3	4	5
9A. Statistical Assistants.	General Central Service Class III. Non-Gazetted, Non-Ministerial.	Rs. 210-10-290-15-320-EB-15-425.	Not applicable	20—25 years.
Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or transfer & percentage of the vacancies to be filled by various methods.	
6	7	8	9	
<i>Essential</i> A degree in Mathematics or Statistics.	Does not arise.	Two years.	Direct recruitment 100%.	
<i>Desirable</i> One year's training in Statistics in the design and analysis of field experiments.				
In case of recruitment by promotion/transfer, grades from which promotion to be made.			Remarks	
	10		11	
Does not arise.				

[No. 21-94/60 Soil Cons. (Instt).]

S.O. 1586.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Central Arid Zone Research Institute (Class III and Class IV posts) Recruitment Rules, 1962, published with the notification of the Government of India in the

Ministry of Food and Agriculture (Department of Agriculture) of even Number dated the 15th March, 1962:—

1. These rules may be called the Central Arid Zone Research Institute (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1962.

2. In the Schedule to the Central Arid Zone Research Institute (Class III and Class IV posts) Recruitment Rules, 1962, after item 17 and the entries relating thereto, the following item and entries shall be inserted, namely:—
Does not arise

Name of post	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits
I	2	3	4	5
17A. Statistical Assistant	General Central Service Class III Non-Gazetted, Non-Ministerial	Rs. 210-10-290-15 320-EB-15-425.	Not applicable	20—25 years
Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or transfer & percentage of the vacancies to be filled by various methods.	
6	7	8	9	
<i>Essential</i> A degree in Mathematics or Statistics.	Does not arise	Two years	Direct 100%.	
<i>Desirable</i> One year's training in Statistics in the design and analysis of field experiments.				
In case of recruitment by promotion/transfer, grades from which promotion to be made.			Remarks	
	10		11	
Does not arise				

[No. 2-62/60 Soil Cons. (I)]

B. D. KAPUR, Under Secy.

(Department of Agriculture)

New Delhi, the 17th May 1962

S.O. 1589.—The Municipal Corporation of Madras having elected Shri C. R. Balasundaram as its representative, and the Central Council of Gosamvardhana, New Delhi, having chosen Shri D. C. Saravagi as its representative, on the Animal Welfare Board, the Central Government in pursuance of sub-section (1) of section 4 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) hereby makes the following amendments to the notification of the Government of India in the

Ministry of Food and Agriculture (Department of Agriculture) No. 9-1/61-LD dated the 20th March, 1962, establishing the Animal Welfare Board, namely:—

In the said notification,—

- (a) after item 6 and the entry relating thereto in the first column, the following item and entry shall be inserted, namely:—
“6A. Shri C. R. Balasundaram, 28, Muthukrishnan Street, Peddunaikenpet, G.T. Madras”;
- (b) in the entry in the second column relating to items 6, 7, 8 and 9, after the word “Bombay”, the word “Madras” shall be inserted;
- (c) after item 10 and the entry relating thereto in the first column, the following item and entry shall be inserted, namely:—
“10A. Shri D. C. Saravagi, Jain House, 8/1, Esplanade East, Dharamtala, Calcutta.”;
- (d) in the entry in the second column relating to items 10 and 11, after the word “Bombay”, the words “the Central Council of Gosamvardhana in New Delhi” shall be inserted.

[No. 9-6/62-LD.]

K. C. SARKAR, Under Secy.

(Department of Agriculture)
(Indian Council of Agricultural Research)

New Delhi, the 14th May 1962

S.O. 1588.—The Government of Kerala having re-nominated Shri K. P. Madhavan Nair, “Glen Brook”, Ootacamund, South India as a member of the Indian Central Coconut Committee under clause (c) of section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944), the Central Government hereby notifies that Shri K. P. Madhavan Nair aforesaid shall be member of the said Committee for the period ending the 31st March, 1965.

[No. 12-6/62-Com.I.]

S.O. 1589.—Under Section 4(viii) of the India Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to nominate Shri Fateh Singh Rana, Chairman, District Co-operative Federation, Meerut, as member of the Indian Central Cotton Committee, to represent the cotton growing industry in Uttar Pradesh State for the period ending the 31st March 1965.

[No. 1-4/62-Com.IV/III.]

S.O. 1590.—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to nominate S. Iqbal Singh, M.P., Abohar, Distt. Ferozepur, Punjab, as member of the Indian Central Cotton Committee, to represent cotton growers in Punjab State for a period of one year with effect from 1st April, 1962.

[No. 1-4/62-Com.IV/III.]

New Delhi, the 18th May 1962

S.O. 1591.—The Government of West Bengal having nominated Dr. H. K. Nandi, Director of Agriculture, West Bengal as a member of the Indian Central Coconut Committee under clause (d) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Dr. H. K. Nandi aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No 13-9/62-Com.I.]

S.O. 1592.—The Bombay Chamber of Commerce having nominated Shri M. Mathias of Hindusthan Lever Ltd., Ballard Estate, Bombay as a member of the Indian Central Coconut Committee under clause (c) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Shri M. Mathias aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

S.O. 1593.—The Government of Mysore having nominated Shri M. Mallaraj Urs, Director of Agriculture, Mysore, Bangalore as a member of the Indian Central Coconut Committee under clause (d) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Shri M. Mallaraj Urs aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

S.O. 1594.—The Government of Madras having nominated Shri R. Srinivasa Iyer, Advocate and Grower, Pattukkottai, Thanjavur District, as a member of the Indian Central Coconut Committee under clause (b) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Shri R. Srinivasa Iyer aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

S.O. 1595.—The Government of Assam having nominated Dr. S. R. Barooah, Director of Agriculture, Assam as a member of the Indian Central Coconut Committee under clause (d) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Dr. S. R. Barooah aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

S.O. 1596.—The Government of Madras having nominated the Director of Agriculture, Madras as a member of the Indian Central Coconut Committee under clause (d) of section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that the Director of Agriculture, aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

SANTOKH SINGH, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 21st May 1962

S.O. 1597.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification to the Government of India in the Ministry of Works, Housing and Supply No. S.O. 3150 dated the 21st December, 1960 namely:—

In the table below the said notification, for the entry in column 2, the following shall be substituted, namely:—

“Premises at High Power Transmitters, Delhi. Broadcasting House and Akashvani Bhavan in Parliament Street New Delhi under the administrative control of the Directorate General. All India Radio situated within the local limits of his jurisdiction.”

[No. 24(1)/62(i)-EEII.]

New Delhi, the 26th May 1962

S.O. 1598.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column I of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed,

on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officers	Categories of public premises and local limits of jurisdiction
1	2
1. Shri Thakar Dass, Assistant Commissioner, Municipal Corporation of Delhi	Premises belonging to or under the administrative control of the Ministry of Defence in Delhi, New Delhi and Delhi Cantt.
2. Shri H. D. Sharma, Assistant Commissioner, Municipal Corporation of Delhi.	

[No. 24(1)/62-E.E.II(ii).]

R. C. MEHRA, Under Secy.

New Delhi, the 21st May 1962

S.O. 1599.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution and in supersession of the notification of the Government of India in the Ministry of Law No. S.O. 583 dated the 8th March, 1960 the President hereby directs that the undermentioned instruments may be executed on his behalf by any Joint Director in the India Supply Mission, Washington, namely:—

- (i) All contracts and instruments relating to purchase, supply and conveyance, or carriage of materials, stores, machinery etc., and
- (ii) all instruments connected with the reconveyance of property given as security.

[No. PII-1(8)/62.]

B. D. KUMAR, Dy. Secy.

(Department of Rehabilitation)
(Office of the Chief Settlement Commission)

New Delhi, the 14th May 1962

S.O. 1600.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954. (44 of 1954), the Central Government hereby appoints Shri K. K. Verma as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/21/ARG/61.]

New Delhi, the 16th May 1962

S.O. 1601.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints Shri N. P. Jaisinghani, Assistant Settlement Commissioner in the office of the Regional Settlement Commissioner, Delhi as Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under the said Act with effect from the date he took over charge of his Post.

[No. 5(6)/62-ARG.]

New Delhi, the 18th May 1962

S.O. 1602.—In exercise of the powers conferred by sub-section (1) of section 6 of the Administration of Evacuee Property Act, 1950, (XXXI of 1950), the Central Government hereby appoints for the State of Punjab, Shri S. S. Grewal for the

time being holding the post of Secretary to the Government of Punjab Rehabilitation Department as Custodian for the purpose of discharging the duties imposed on such officer by or under the said Act, with effect from the date he took over charge of his office.

[No. XII(55) Admn. (Prop)/57/ARG.]
New Delhi, the 21st May 1962

S.O. 1603.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Orissa Shri P. N. Bhanot, Regional Settlement Commissioner, Bihar, as Custodian of Evacuee Property for the purpose of discharging the duties assigned to such officer by or under the said Act with effect from the date he took over charge of his office.

[No. 12(2)/ARG/62.]
KANWAR BAHADUR,
Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

(Department of Rehabilitation)
Office of the Chief Settlement Commissioner
New Delhi, the 21st May 1962

S.O. 1604.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Bihar, Shri P. N. Bhanot for the time being holding the post of Regional Settlement Commissioner, Patna as Custodian of Evacuee Property for the purpose of discharging the duties assigned to such officer by or under the said Act, with effect from the date he took over charge of his office.

[No. 12(2)/ARG/62.]
KANWAR BAHADUR,
Settlement Commissioner (A) and *Ex-Officio* Dy. Secy.
for Secy.

(Department of Rehabilitation)
New Delhi, the 26th May 1962

S. O. 1605.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Madhya Pradesh for public purpose being a purpose connected with the relief and rehabilitation of Displaced persons, including payment of Compensation to such persons

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

Sl. No.	Particulars of the properties	Name of the town and locality in which the property is situated	Name of evacuee with parentage
1	House No. 81 (old).	Sarafa Ward, Near Kotwali, Jabalpur.	Shri Mohammed Ahmed and Mohammed Manjoor.
2	House No. 82 (old)	Do.	Do.
3	House No. 261 (old)	Bhartipur, Jabalpur.	Shri Abdul Rasaf, Abdul Rashid and Abdul Samad sons of Late Khan Sahib Abdul Sattar.
4	House No. 4/2034 (old)	Mewati Mohalla, Janak Ganj, Lashkar, Gwalior.	Shri Chand Khan son of Noor Khan.

[No. 13(3) Comp. & Prop./62.]
M. J. SRIVASTAVA,
Settlement Commissioner &
Ex-Officio Under Secy.

**(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)**

ORDER

New Delhi, the 14th May 1962

S.O. 1606.—In exercise of the powers conferred on me by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), I hereby delegate my powers for the recovery of the amount which was not payable to a displaced person or which was in excess of the amount payable to him as arrears of land revenue as required under sub-section (2) of Section 24 of the said Act to Shri R S Phoolka Regional Settlement Commissioner, Jullundur

[No 4(3)Comp & Prop/62 I

S W SHIVESHWARKAR,
Chief Settlement Commissioner, New Delhi

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 22nd May 1962

S.O. 1607.—In exercise of the powers conferred by sub-section (1) of section 63 A of the Motor Vehicles Act, 1939 (4 of 1939) the Central Government hereby appoints Shri J B Rao, Director, Traffic (Commercial), Ministry of Railways, Railway Board, as a member of the Inter-State Transport Commission in place of Shri R B Lall, and makes the following further amendment in the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No 11-ISTC(1)/58, dated the 14th August, 1958, namely

In the said notification, for item (iii) under the heading "(b) Members" the following item shall be substituted, namely —

"(iii) Shri J B Rao Director Traffic (Commercial) Ministry of Railways (Railway Board)"

[No 1-T(85)/60]

JASWANT SINGH, Under Secy

(P and T Board)

New Delhi, the 18th May 1962

S.O. 1608.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No 627 dated 8th March 1960, the Director General Posts and Telegraphs hereby specifies the 1st June 1962 as the date on which the Measured Rate System will be introduced in Rourkela Telephone Exchange

[No 31/13/61-PHB]

RAMA KANT,
Dir of Telephones (E)

MINISTRY OF HEALTH

New Delhi, the 16th May 1962

S.O. 1609.—In pursuance of item (30) of Part II of the Schedule to the Dentists Act, 1948 (16 of 1948), the Dental Council of India hereby approves the following foreign qualifications, namely

- (1) Degree of the Bachelor of Dental Surgery (BDS) of the University of Sydney, Sydney (Australia).

(2) Degree of the Master of Dental Surgery (M.D.S.) of the University of Sydney, Sydney (Australia).

S. BRATT, Secy.
Dental Council of India.

[No F.3-20/62-MII]

R MURTHI, Under Secy.

New Delhi, the 17th May 1962

S.O. 1610.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates Dr M S Chadha, MBBS (Pb), D.P.H. (Eng) D.T.M. & H. (Lond.) M.R.C.P (Edin), Director General of Health Services, New Delhi, to be a member of Medical Council of India with effect from the 17th April, 1962 *vice* Lt. Col. V. Srinivasan resigned and makes the following amendment in the notification of the Government of India in the Ministry of Health No. F. 5-13/59-M.I., dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (c) of sub-section (1) of section 3", for the entry against serial No. 1, the following entry shall be substituted, namely—

"Dr. M. S. Chadha, MBBS (Pb.) DPH (Eng.), DTM&H (Lond.), M.R.C.P. (Edin).

Director General of Health Services, New Delhi".

[No. F. S-16/62-M.I.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th May 1962

S.O. 1611.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Labour Court, Delhi, in the matter of an application under Section 33A of the said Act from Shri G S Gyani, an employee of the Central Bank of India Limited.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, DELHI

PRESENT:

Shri P. D. Vyas, Central Government Labour Court, Delhi

Delhi, the 26th April, 1962

Application U/S. 33A of the Industrial Disputes Act, 1947.

I.D. No. 64 of 1962.

BETWEEN

Shri G. S. Gyani, employee of the Central Bank of India Ltd., Patel Nagar, New Delhi-12.—*Complainant.*

AND

The Central Bank of India Ltd., Mahatma Ghandhi Road, For., Bombay-1—*Respondent.*

Shri H. L. Parwana—*for the workmen—complainant.*

Shri Chaman Lal—*for the management—respondent.*

In the matter of Complaint No. 12 of 1962 in Reference No. 1 of 1960, pending before the National Industrial Tribunal (Bank disputes), Bombay.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act by one Shri G. S. Gyani, an employee of the Central Bank of India Limited. On the

date fixed for hearing he files a statement saying that his case may be treated as withdrawn. The complaint is therefore disposed of for want of further prosecution and the statement filed by the complainant is annexed hereto.

Sd./- P. D. VYAS,

The 26th April, 1962.

Central Government Labour Court, Delhi.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. LABOUR COURT, DELHI

I.D. No. 64 of 1962.

Shri G. S. Gyani, Central Bank of India Ltd., Patelnagar, New Delhi—
Applicant.

Versus

The Central Bank of India Ltd., Bombay—*Opposite Party.*

Date of hearing 26th April 1962

Sir,

The applicant respectfully beg to submit that the above referred case may please be treated as withdrawn and consigned to record.

Sd./- G. S. GYANI,

Dated, the 26th April, 1962.

Sd./- P. D. VYAS,

Central Government Labour Court, Delhi.

[No. 55(14)/61-LRIV.]

New Delhi, the 17th May 1962

S.O. 1612.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the United Bank of India Limited, Calcutta and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 11 OF 1962

PARTIES:

Employers in relating to United Bank of India Limited, Calcutta.

AND

Their workmen.

PRESENT:

Shri L. P. Dave— *Presiding Officer.*

APPEARANCES:

For the Employers—

1. Shri Pabitra Kumar Sen, Controller of Branches.
2. Messrs. S. N. Sen & Co., Solicitors.

For the Workmen—

1. Shri Dwijendra Lal Sengupta, Advocate.

STATE: West Bengal.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 51(4)/61-IR-IV dated 12th June, 1962, referred the dispute existing

between the employers in relation to United Bank of India Limited, Calcutta, and their workmen in respect of the following matter for adjudication to the Industrial Tribunal, Dhanbad. The matter referred to for adjudication was,

"Whether the special allowance now granted by the Bank to their workmen designated as 'Passing Officers' is adequate having regard to the nature of their duties and responsibilities and the emoluments paid to persons discharging similar duties and responsibilities in other Banks of similar status and, if not, what amount of special allowance should be granted to them and from what date after the 19th November, 1959,"

By subsequent order No. 4/90/61-IRII dated 13th December, 1961 the proceedings in relation to the above dispute were withdrawn from the Dhanbad Tribunal and transferred to this Tribunal for disposal according to law.

2. In response to notices issued by the Dhanbad Tribunal parties had filed their written statements before it. By their written statement the workmen contended *inter alia* that the employer (hereinafter referred to as the Bank) had classified a section of workmen as 'Passing Officers' while implementing the Sastry award; that the said award had prescribed a special allowance for certain categories of workmen namely Headclerks and Supervisors; that there was no mention of Passing Officers in the said award but the Labour Appellate Tribunal while hearing appeals against the said award asked from the Banks who were parties to the dispute the different nomenclature used by them for the category of workers for whom the Sastry award provided for special allowance and mentioned in their judgment that according to that statement Headclerks were called as Passing Officers in the Grindlay's Bank; that no other Bank including the present Bank had mentioned before the Labour Appellate Tribunal any designation as 'Passing Officer' being in existence at that time; that the employees who were designated as Passing Officers by the Bank were performing duties of supervisory nature and as such were entitled to special allowance provided for Supervisors by the Sastry award; that the Bank did not pay the special allowance provided for Supervisors to this category of workmen but paid them the allowance prescribed for Head clerks by wrongly designating them as 'Passing Officers'; that the workmen were naturally aggrieved and demanded that they were entitled to special allowance payable to Supervisors but the Bank did not pay any heed to it; that some workmen who were originally designated by it as 'Passing Officers' were subsequently recognised as Supervisors and paid proper special allowance; that as the dispute could not be settled, it was referred to the Regional Labour Commissioner by the Employees' Association; that the Conciliation Officer held conciliation proceedings but the Bank refused to participate in it and ultimately the Government has made the present reference. The workmen contend that the 122 workmen whose names have been mentioned by them in Annexure 'E' of their written statement have been wrongly classified as 'Passing Officers' by the Bank and that they should be held to be Supervisors in view of the nature of their duties and responsibilities and be given proper allowance as provided in the Sastry award from the date of the implementation of the award i.e. from 1st August, 1955 or in the alternative from the date mentioned in reference.

3. By their written statement, the employers (the Bank) contended that the present reference is ultra vires, illegal, invalid, void and of no effect and that this Tribunal has no jurisdiction to adjudicate on the dispute on the issue referred to it, that by a notification dated 21st March 1960 the Central Government have constituted a National Tribunal and have referred to it for adjudication the disputes between Banking Companies mentioned in Schedule I of the order and their workmen the matters specified in Schedule II thereof; that the proceedings in respect of the matters referred to the National Tribunal were pending on 12th June, 1961 when the present reference was made and are still pending; that the United Bank of India Employees' Association which represents the Bank's workmen in the present proceedings is a constituent unit of the All India Bank Employees' Association; that in the proceedings before the National Tribunal workmen of all Banking Companies including the present Bank are represented by the All India Bank Employees Association which has filed a statement of claim before the said Tribunal for and on behalf of all workmen employed by the different Banks including the present Bank; that in the said statement the said Association has made several claims relating to the proper emoluments including allowance to be paid to all categories of workmen including those designated as 'Passing Officers' with effect from 1st April, 1959; that the said Association has also filed a note before the National Tribunal amplifying and clarifying its claims and in the said note they have set forth in great detail their claims in respect of *inter alia* employees designated 'Passing Officers' with

specific reference to the nature of their duties and the emoluments paid by the different Banks to persons said to be discharging the same duties and responsibilities; that the dispute and/or issue and/or matter pretendedly referred to this Tribunal by the reference and every part thereof is included in the terms of reference of the National Tribunal and in particular to items 2, 4, 14, 17, 19 and 22 of the second schedule thereof and was a matter under adjudication by the National Tribunal on 12th June 1961 and still is pending before it; that in premises by virtue of Section 10(6) of the Industrial Disputes Act, it was not lawful for the Central Government to make the said reference to this Tribunal and this Tribunal has no jurisdiction to adjudicate thereon. Without prejudice to and without waiving this contention, the Bank has then proceeded to file its written statement on the merits of the case denying the allegations made in the written statement of the workmen.

4. By an application dated 23rd February, 1962, the Bank requested that the point of jurisdiction be decided as preliminary issue and the settlement of issues of facts may be postponed till the preliminary objection on the issue of jurisdiction was disposed of. Accordingly the question of jurisdiction has been heard as a preliminary issue.

5. The preliminary objection raised by the Bank is to the effect that this Tribunal has no jurisdiction to hear the matter referred to it because the matter also forms part of the matters referred to the National Tribunal. Reliance is placed in this connection on Section 10(6) of the Industrial Disputes Act, the relevant portion of which runs as under:—

“Where any reference has been made to a National Tribunal, then notwithstanding anything contained in this Act no Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal, and accordingly, it shall not be lawful for the appropriate Government to refer the matter under adjudication before the National Tribunal to any Tribunal for adjudication during the pendency of the proceeding in relation to such matter before the National Tribunal.”

6. It is an admitted fact that the Government of India, Ministry of Labour & Employment, by a notification No. S.O. 704 dated 21st March, 1960 have constituted a National Industrial Tribunal. By order S.O. 705 of even date, the Central Government have referred the industrial dispute between the Banking Companies and Corporations specified in Schedule I annexed to that order and their workmen in respect of the matters specified in Schedule II annexed thereto for adjudication to the above Tribunal. The United Bank of India Limited which is the employer in the reference before us is one of the Banking Corporations mentioned in Schedule I of the above order, its name appearing at Serial No. 63. It is also an admitted fact that proceedings before the National Tribunal are still pending.

7. The Bank's contention is that the present reference was made on 12th June, 1961 during the pendency of the proceedings before the National Tribunal and as the matters covered by the present reference form subject matter of the matters referred to the National Tribunal, this Tribunal would have no jurisdiction under Section 10(6) of the Industrial Disputes Act to adjudicate on these matters and it was not lawful for the Central Government to have made the present reference.

8. It was admitted before me by Shri Sen Gupta who appeared on behalf of the workmen that if the matter which is under adjudication before this Tribunal forms part of matters which are under adjudication before the National Tribunal, this Tribunal would have no jurisdiction. He however contended that the matters which are referred to this Tribunal have nothing to do with the matters referred to the National Tribunal and hence this Tribunal has jurisdiction to hear the present reference. The question, therefore, that arises for my consideration is whether the matter which is referred to this Tribunal is under adjudication before the National Tribunal or not.

9. So far as the present reference is concerned, the question referred is whether the special allowance granted by the Bank to their workmen designated as 'Passing Officers' is adequate having regard to the nature of their duties and responsibilities and the emoluments paid to persons discharging similar duties and responsibilities in other Banks of similar status and if not, what amount of special allowance should be granted to them and from what date after 19th November, 1959. The Bank contends that the matters specified in Schedule II of the order of reference to the National Tribunal include the above points. In particular, reliance is placed on items 2, 4, 14, 17, 19 and 22 of the said Schedule.

These items are as under:—

- (2) Scales of pay; method of adjustment in the scale of pay.
- (4) House rent and other allowances, including Travelling and halting allowances and leave fare concession;
- (14) Categories of workmen to whom the award of the Tribunal should be applicable.
- (17) Date of effect to the new award and option, if any, to be given to the existing employeecs to retain their present terms and conditions of service.
- (19) Difficulties and anomalies in the operation of the existing award.
- (22) Any other question connected with, or arising out of, the foregoing matters.

10. The Central Government had in 1949 appointed an Industrial Tribunal known as the Sen Tribunal which dealt with the disputes between the Banks and their employees and gave an award on 12th August, 1950. The said award was however declared void by the Supreme Court on 9th April, 1951. Thereafter on 5th January, 1962 another Tribunal known as the Sastry Tribunal was appointed and the disputes were referred to it. This Tribunal gave its award on 20th March, 1953. There was an appeal to the Labour Appellate Tribunal who gave its Decision on 28th April, 1954. Government modified the decision of the Labour Appellate Tribunal; but later on, a one member Commission was appointed to enquire into and ascertain the effect the modification on emoluments and to recommend whether the Appellate Tribunal's decision, as modified, should be continued or whether its decision should be restored and if so, whether fully or in part and lastly whether the said decision should be enforced with any other modifications considered necessary. The said Commission made a report in July, 1955 and the Government made the recommendations of the Commission binding on the employees for a period of five years enacting the industrial Disputes (Banking Companies) Decision Act, 1955. On the expiry of the said period, the workmen moved the Government and the Government appointed a National Tribunal in 1960.

11. So far as the present dispute is concerned, the dispute is regarding implementation of the Sastry award. It appears that under the Sastry award, special allowances were provided for certain categories of employees. The rates varied according to the categories. Headclerks in class A Banks were to get Rs. 20 per month while Supervisors, Superintendents etc. were to get Rs. 50 per month.

12. The workmen's case is that so far as this Bank was concerned, there was no category of employees known as 'Passing Officers' but the Bank created this category while implementing the Sastry award and gave them a special allowance of Rs. 20 per month. It is contended that looking to the duties and responsibilities performed by them, they should be called Supervisors and should get a special allowance of Rs. 50 per month. It is this question which is the subject matter of the present reference. In their written statement, they have claimed that the workmen classified by the Bank as Passing Officers should be held as Supervisors and should be given the appropriate allowance (of Rs. 50 per month) as provided in para 164 of the Sastry award.

13. The terms of reference to the National Tribunal show that the said Tribunal has to decide among other things scales of pay of employees and the allowances payable to them. The Tribunal is also called upon to decide the categories of workmen to whom the award should be applicable. It has then to decide the date from which the new award is to be given effect to and it has lastly to decide the difficulties and anomalies in the operation of the existing award. This will mean that the Tribunal will have to decide the scales of pay of the employees under the different categories including the categories now called 'Passing Officers'. It will also have to decide what allowance, if any should be paid to this category and if any so, from what date.

14. In this connection, my attention was invited on behalf of the Bank to the statement of claims filed by the All India Bank Employees' Association before the National Tribunal. It may be noted that the United Bank of India Employees' Association which represents the workmen in the present case is affiliated to the above association and the above association has filed a statement of claims before the National Tribunal on behalf of the workmen employed by all the Banks. In the said claim, the Association has claimed that a separate scale of pay should be prescribed for workmen having supervisory nature of duties. They have also

described as to who are the workmen doing Supervisory work in the different Banks. They have included 'Passing Officers' in this category. In other words, according to the claim of the workmen as made in para 58 of their statement of claim before the National Tribunal, they have requested a special separate scale of pay for Passing Officers. In para 51 of their said statement of claim, they have demanded special allowance for specific classes of employees and have given a list of categories of workmen to whom, according to their claim, special allowance should be given. It may be noted here that Passing Officers are not included in this list. In other words, reading paras 58 and 81 of the statement of claim together, it would appear that the workmen's claim before the National Tribunal is that there should be no special allowance for Passing Officers, but there should be a special grade of pay for them.

15. Subsequent to the filing of the statement of claim by the workmen's Association, they appear to have filed a note No. 7 regarding their demands for special grades for the Supervisory staff. Copy of this note has been produced as annexure III with the written statement of the Bank in the present reference. In para 6 thereof, they have said that several Banks including United Bank of India implemented the Sastry award by paying special allowance prescribed therein. In para 11, they have said that the workmen had wanted a single pay scale and had asked for special allowance for clerks who were doing skilled clerical jobs and holding higher responsibilities and that these clerks were designated in different Banks in different headings one of which was 'Passing Officers'. In para 15, it is said that as quite a good number of disputes arose in the past on the payment of special allowance and the amount payable, so this time they were demanding a separate pay scale for the said persons. In para 18, it is said that the duties of the employees designated as Headclerks and Passing Officers are also the same as for other categories as shown in Annexure C of the note. In para 41 the workmen have requested the Tribunal that special scales should be fixed for the categories of workmen described in annexure C to K to the note. (Passing Officers are mentioned in annexure C).

16. From all this, it would appear that the National Tribunal has to decide the scale of pay for the different categories of workmen and as also the question of special allowance for certain categories. The workmen have demanded before the National Tribunal that the Passing Officers instead of being paid their ordinary grade pay plus special allowance should now be given a special grade of pay. The National Tribunal would, therefore, have to consider and decide the question of grades of pay for the Passing Officers, that is, it would have to consider whether a special grade should be fixed for them or not and if a special grade is not given, it would have to decide what special allowance, if any, should be given to the Passing Officers. In the present case, I am called upon to decide whether the special allowance which is now granted to the Passing Officers is adequate and if not, what amount of special allowance should be granted to them. This matter is thus covered by the matters to be considered and decided by the National Tribunal.

17. It was contended before me by Sri Sen Gupta on behalf of the workmen that workmen's claim in the present reference was regarding allowance payable to Passing Officers under the Sastry award. (At one stage, the workmen claimed that the special allowance should be given to them from the date of the implementation of the Sastry award; but in view of the terms of reference to this Tribunal, can only grant special allowance after 19th November, 1959). In other words, according to Shri Sen Gupta, this Tribunal is to decide the amount of allowance payable to Passing Officers between 19th November, 1959 and 21st March, 1960 on which date the Central Government constituted the National Tribunal and made a reference to it. He contended that so far as National Tribunal is concerned, it would fix the scales of pay and allowances to the different categories of workmen from 21st March, 1960 and it has not to consider the question of allowances payable to Passing Officers in this Bank before that date. I cannot accept this contention.

18. Item 17 of the terms of reference of the National Tribunal shows that it has to decide the date of giving effect to the new award. If we look to the statement of claim of the employees Association before the National Tribunal, we find that in para 106 they have submitted that the new award should be applied to all categories of workmen with effect from 1st April, 1959. In other words, the matter under adjudication before the National Tribunal would include the question of scales of pay and allowances to Passing Officers at least from 1st April, 1959. In the present reference, I have to decide the amount of special allowance to Passing Officers after 19th November, 1959. In other words, the matter referred to me is included in the terms of reference of the National

Tribunal and is a matter under adjudication before the said Tribunal. That being so, this Tribunal would have no jurisdiction under Section 10(6) of the Industrial Disputes Act to adjudicate upon the matter referred to it and it was not lawful for the Central Government to have referred the matter for adjudication to this Tribunal.

19. Reference was made by Shri Sen Gupta to the case of Indian Bank Ltd. Vs. Industrial Tribunal, Madras, 1961-IL.L.J.604. In that case, a dispute between the Bank and its employees relating to bonus for a particular year was referred for adjudication to the Industrial Tribunal. Subsequently a National Tribunal was constituted and one of the points referred to for adjudication to it was "Bonus-principles and conditions under which payable, qualification for eligibility and method of computation after making provision for all matters for which provision is necessary by or under any of the Acts applicable to the banks or which are usually provided for by banks." The Madras High Court held that the prior reference to the Industrial Tribunal did not stand automatically quashed by the subsequent reference to the National Tribunal by virtue of Section 10(6)(ii) of the Industrial Disputes Act. The High Court appears to have taken a view that so far as are National Tribunal was concerned, it had to lay down principles and conditions under which bonus shall become payable. So far as Industrial Tribunal was concerned, it had only to decide the amount of bonus for a particular year and it could not, therefore, be said that that matter was covered by the terms of reference to the National Tribunal. This case would not, therefore, apply to the facts of the present case.

20. Reliance was then placed on behalf of the workmen on a case L.C.A. No. 66 of 1960 between Shri R. N. Mukherjee and the United Bank of India Ltd. decided by the Central Government Labour Court, Delhi on 28th June, 1960. That was a matter where an application under Section 33C(2) of the Industrial Disputes Act was made by an employee for computation of an amount due to him as Passing Officer and for determination of dues payable to him. The Labour Court held that it had jurisdiction to entertain the proceedings. It held that the matter before it was a petition for computation of benefits alleged to be due to the workman and though a National Tribunal may have been appointed, the Sastry award continued to be in force and if an application was made to determine the amount due to a person in accordance with the Sastry award, such an application under Section 33C(2) would not be barred by the appointment of a National Tribunal. This judgment also is not applicable to the present case.

21. On the other hand, the Bank referred to the award of the Central Government Industrial Tribunal, Delhi, in the case of Punjab National Bank and their workmen which is published at pages 2321 to 2326 of Part II, Section 3(ii) of the Gazette of India dated 16th September, 1961. In that case, a dispute on the following point was referred for adjudication to the Industrial Tribunal, "whether the special allowance now granted by the Punjab National Bank, Ltd. to their workmen designated as Tellers is adequate having regard to the nature of their duties and responsibilities and emoluments paid to persons discharging similar duties and responsibilities in other Banks of similar status and if not what amount of special allowance should be granted to them." The above reference was made on 7th November, 1959. The National Tribunal was constituted on 21st March, 1960. It was held by the Tribunal that under clause (a) of Section 10(6) of the Industrial Disputes Act the proceedings before the Industrial Tribunal would be deemed to have been quashed on reference to the National Tribunal and the Industrial Tribunal had no jurisdiction to adjudicate upon the matter referred to it. With due respect, I agree with the finding of the Industrial Tribunal in this matter. The present reference is almost in identical terms as the reference in the above case excepting that (i) the present reference relates to Passing Officers while the other related to Tellers, (ii) The Banks were different and (iii) in that reference no date was given from which the allowance was to be awarded while in the present case the date has been given previous to which the Tribunal cannot award the allowance. The only other point of distinction between the two reference is that the above reference was made before the constitution of the National Tribunal and therefore that case was covered by clause (a) of Section 10(6) while in the present case, it is made subsequent to the reference to the National Tribunal and is covered by clause (b) of the said section. Otherwise the same principles will govern both the cases.

22. On the whole, I am satisfied that the matter which is referred to the present Tribunal is one of the matters under adjudication before the National Tribunal and hence under Section 10(6) of the Industrial Disputes Act, the

present reference is not lawful and this Tribunal has no jurisdiction to entertain it or to adjudicate upon the matter referred to it.

I pass an award accordingly. There will be no order as to costs.

(Sd.) L. P. DAVE,

..Presiding Officer.

The 30th April, 1962.

[No. 51(40)/61-LRIV.]

New Delhi, the 21st May 1962

S.O. 1613.—In exercise of the powers conferred by sub-sections (1) and (2) of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Bangalore for the adjudication of industrial disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act and appoints Shri R. Krishna Setty as the Presiding Officer of that Court.

[No. 55(4)/62-LRIV.]

P. R. NAYAR, Under Secy.

New Delhi, the 16th May 1962

S.O. 1614.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri C. Javarama Reddy and P. Ramon to be Inspectors for the whole of the State of Andhra Pradesh for the purposes of the said Act or of any scheme framed thereunder in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(5)62-PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 18th May 1962

S.O. 1615.—In pursuance of section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Jeenagora Colliery, P.O. Khas Jeenagora, District Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD
REFERENCE No. 69 of 1961

PARTIES:

Employers in relation to the New Jeenagora Colliery.

AND

their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Camp: Bombay, the 4th May, 1962

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 2/181/61-LRIV, dated 30th August, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said order for adjudication to me:—

SCHEDULE

“Whether transfer of Shri Harihar Prasad Gope from New Jeenagora Colliery, Post Office Khas Jeenagora (District Dhanbad) of Messrs. New

Jeenagora Coal Company to Samla Barjore Colliery in West Bengal is justified? If not, to what relief he is entitled?"

2. After this reference was made, the written statement on behalf of the employers was received on 15th September, 1961, and the workmen filed their statement of claim dated 7th November, 1961, in which it was stated that a settlement had been reached with the employers in this dispute. Notices were thereafter issued fixing the dispute for hearing when parties were asked to file the terms of settlement reached between them. Thereafter the parties filed a joint application dated 6th November, 1961, recording the terms of settlement and praying that an award be made in terms thereof. A copy of the joint application of the parties is annexed hereto and marked annexure 'A'. Under the terms of settlement the order of transfer against Shri Harihar Prasad Gope the workman concerned has been cancelled and he has been allowed to continue to work in the Jeenagora Colliery and has been paid lay-off compensation for the period of involuntary unemployment.

3. As the terms of settlement appear to be fair and reasonable, I accept them and make an award in terms of annexure 'A', which shall form part of this award.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer.

Central Government Industrial Tribunal, Dhanbad.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, DHANBAD.

REF. No. 69 OF 1961

In the matter of Industrial Dispute between employers in relation to New
Jeenagora Colliery, P.O. Khas Jeenagora, Dist. Dhanbad.

AND

their workmen

The parties above named most respectfully submit as under:

That the Government of India, Ministry of Labour and Employment *vide* their order No. 2/181/61-LR11, dated 30th August, 1961, referred the industrial dispute specified in the following schedule for adjudication:

"whether the transfer of Shri Harihar Prasad Gope from New Jeenagora Colliery. Post Office Khas Jeenagora (District Dhanbad) of Messrs New Jeenagora Coal Company to Samla Barjore Colliery in West Bengal is justified? If not, to what relief he is entitled?"

That without prejudice to the contention of the parties the above reference has been amicably settled between them on the following terms:

Terms of Settlement

1. It is agreed that the transfer of Shri Harihar Prasad Gope from New Jeenagora Colliery of M/s. New Jeenagora Coal Co. to Samla Barjore Colliery in West Bengal is cancelled. Shri Harihar Prasad Gope will continue to work in New Jeenagora Colliery as before.
2. He shall be treated as if on lay off for the period of his involuntary unemployment after the issue of his transfer order, and payment on this account shall be made to him by Saturday, the 18th November, 1961.
3. That the parties will bear their own respective cost of this proceeding.

It is, therefore, humbly prayed that an Award may kindly be passed by this Hon'ble Tribunal on the terms aforesaid. And for this the parties above named, as in duty bound shall pray.

For workmen.
B. P. SINHA,
Vice-President.
Colliery Mazdoor Sangh.
SHANLEW BOSE.

For the Employers.
K. N. MUKHERJEE,
Director.

B. N. MUKHERJEE,
Director.

Dhanbad, the 6th November, 1961.

Taken on File.

Sd./- SALIM M. MERCIANT,
(Bombay, 3-5-1962),
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

[No. 2/181/61-LRII.]

ORDERS

New Delhi, the 16th May 1962

S.O. 1616.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Kurkend Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the transfer of 49 workmen from Central Kurkend Colliery to other collieries on 19th June 1961 was legal and justified. If not to what relief are the said workmen entitled?
- (2) Whether the 113 miners, 58 trammers and other workmen working in the Central Kurkend Colliery, who were denied employment with effect from the 20th June, 1961 were entitled to any remuneration after 20th June 1961 and if so to what extent?

[No. 1/47/61-LRII.]

New Delhi, the 17th May 1962

S.O. 1617.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pure Katras Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether the transfer of Sarvashri R. S. Choudhary (Munshi) and Ram Sinhasan Lohar (Blacksmith) from Pure Katras Colliery to Belrui Dishergarh Colliery was justified; if not, to what relief are the workmen entitled?
2. Was the retrenchment of Shri Ram Karan Mali by the management of Pure Katras Colliery justified; if not, to what relief is Shri Ram Karan Mali entitled?

[No. 2/38/62-LRII.]

A. L. HANDA, Under Secy.

